

Heritage Preservation Commission On-line Training



State of Minnesota
Final: August 30, 2016

Heritage Preservation Commission On-line Training

Introduction

Chapter 1. Why Are We Here?

Chapter 2. Legal Foundations

Chapter 3 Designating Historic Properties

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INTRODUCTION

Welcome!

- Preservation commissioners, serving as part of local governments across the state, play invaluable roles in promoting the active, respectful use of historic buildings and districts
- This on-line tutorial provides a foundation of basic principles, operating procedures and practical advice for Minnesota's Heritage Preservation Commissions, their staff, elected officials and for others interested in how commissions operate
- It serves as a companion piece to the *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides



About the Tutorial

- This tutorial offers practical training and education that commissioners and staff require to be effective
- It provides them with practical information: basic concepts, common terminology, and core principles of preservation practice
- While the training is targeted primarily towards commission members and staff, others such as code officers, elected officials, and Main Street managers may also benefit from the tutorial



Why Training is Important

- Commissioners must be equipped to fulfill their statutory roles in a responsive and sensitive way
- They also provide leadership for historic preservation at the local level
- This requires a depth of knowledge that covers a range of topics related to their responsibilities



Acknowledgements

Many people provided invaluable assistance on this project. The following individuals contributed to the development of the tutorial:

- City of Stillwater
Abbi Jo Wittman, City Planner
- City of Eden Prairie
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Special thanks to the partner communities in this project: Stillwater, Eden Prairie and Mankato.

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Finally, thanks goes to all those members of heritage preservation commissions who dedicate countless hours of service to their community. Grassroots preservation efforts rely heavily on the dedication of local preservationists who are actively involved in local government activities. Those qualified individuals who serve on local HPCs play a critical role in the protection and enhancement of the state's historic resources, and without their service, much of our heritage would be lost.

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CHAPTER 1:

Why Are We Here?

In this chapter:

- A. Introduction
- B. Why Do We Preserve Historic Resources?
- C. What Does Preservation Mean?
- D. What Is a Historic Property?
- E. What Are Our Goals For Preservation?
- F. How Did We Get Here?
- G. Role of the Commission
- H. Preservation Benefits
- I. Preservation Incentives



Local Heritage Preservation Commissions work to preserve historic resources, using a system of tools that represent best practices in the field.

NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

CHAPTER 1:

Why Are We Here?

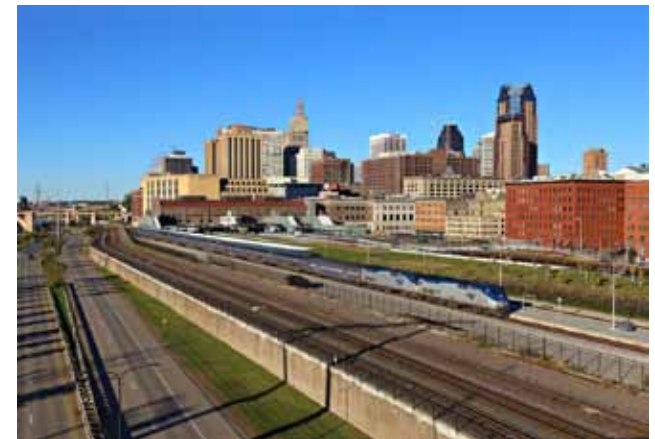
A Starting Question:

- Let's say you've just been invited to apply for a seat on the Heritage Preservation Commission in your community. You are certainly interested, but you need more information:
 - ▶ What is this all about?
 - ▶ What does "preservation" mean?
 - ▶ And what is the role of a preservation commissioner?

This chapter provides some answers...

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A. Introduction

With Heritage So Rich:

- *“What we want to conserve, therefore, is the evidence of individual talent and tradition, of liberty and union among successive generations of Americans. We want the signs of where we came from and how we got to where we are...”*
 - ▶ *Introduction, by Sidney Hyman*

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NOTE:

In 1966, a Special Committee on Historic Preservation for the U.S. Conference of Mayors explored the issue of heritage conservation in America. Their report, titled *With Heritage So Rich*, sparked adoption of the National Historic Preservation Act that year.

B. Why Do We Preserve Historic Resources?

There are many reasons, but these are key:

- Honor our diverse heritage
- Support sound community planning & development
- Maintain community character & support livability
- Support sustainability
- Support economic development

In this chapter:

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C. What Does Preservation Mean?

- Preservation means keeping properties and places of historic and cultural value in active use while accommodating appropriate improvements to sustain their viability and character
- It also means keeping historic resources for the benefit of future generations

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D. What Is a Historic Property?

- A prehistoric or historic district, site, building, structure, or object, that has been determined to have historic significance, using adopted criteria
- One that is associated with an activity of importance in the community's history, or that represents a noteworthy designer, or type of building construction that is important in the area's history

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E. What Are Our Goals For Preservation?

1. To maintain a connection with the American experience
2. To preserve resources that reflect our heritage
3. To prevent the loss or substantial alteration of significant properties
4. To preserve historic resources in the public interest and for future generations
5. To establish federal assistance programs for the preservation of historic resources

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REFERENCE:

Please refer to page 24 in the Minnesota Preservation Plan for the goals and strategies set for the years 2012-2017.

F. How Did We Get Here?

Early Steps in Preservation:

1. Private organizations
2. Early local ordinances in the US and MN
3. State level activity
4. Federal level activity

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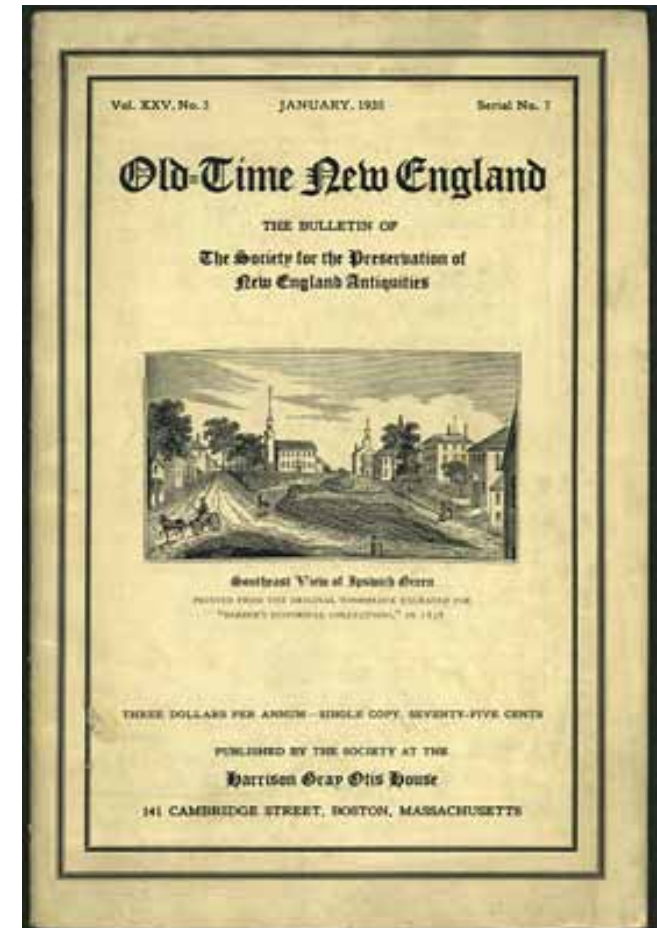
Private Organizations

Early preservation activities focused on individual properties:

- **1853: Mount Vernon Ladies Association**
 - ▶ The Mount Vernon Ladies' Association of the Union was created by Ann Pamela Cunningham to save the home of George Washington due to hotel development pressure
- **1910: Society for Preservation of New England Antiquities**
 - ▶ This Society was established to preserve individual properties of noteworthy significance, focusing on Boston and New England
- **Rivertown Restorations**
 - ▶ Founded in 1975 by Stillwater citizens concerned about the loss of its historic structures, city heritage and architecture
- **Preservation Alliance of Minnesota**
 - ▶ Formed in 1981 by citizens concerned with the long-term protection of historic places

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Early Local Preservation Ordinances and Actions in the United States and in Minnesota

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- **1931: Charleston, SC**
 - ▶ First local preservation ordinance in America
- **1936: Vieux Carré, New Orleans**
 - ▶ Established by the state legislature
- **1936: Boston, MA**
 - ▶ 15th local preservation ordinance
- **1969: State of Minnesota**
 - ▶ Minnesota State Historic Preservation Office created by state statute

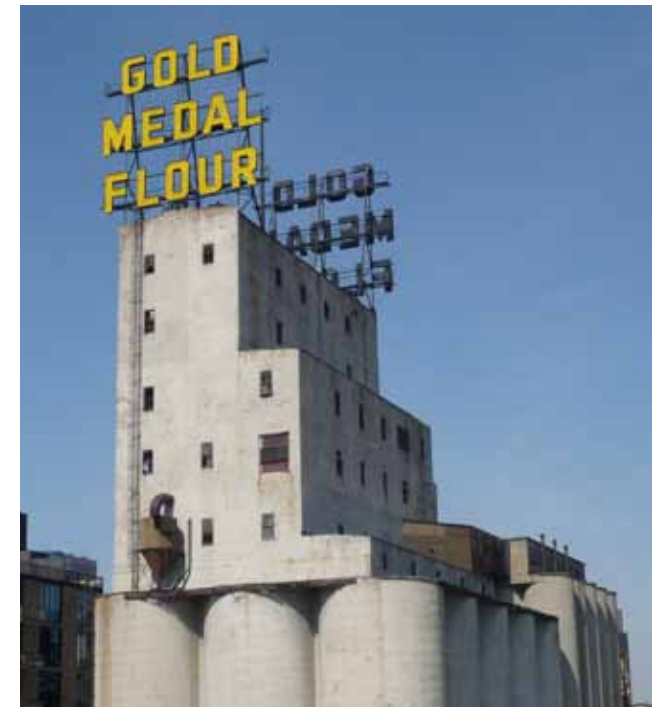


Early Local Preservation Ordinances And Actions....

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- **1972: Minneapolis, MN**
 - ▶ Heritage Preservation Ordinance
- **1976: Saint Paul, MN**
 - ▶ Heritage Preservation Commission created by city ordinance
- **1981: Faribault, MN**
 - ▶ Heritage Preservation Ordinance
- **1985: Faribault, MN**
 - ▶ Minnesota's first Certified Local Government



State Level Activity

- **Section 471.193 “Municipal Heritage Preservation” of the Minnesota Statutes**

- ▶ Defines that commissions may address these actions:
 - Survey and designation
 - Construction
 - Alteration
 - Demolition
 - Other duties that may be delegated by the governing body

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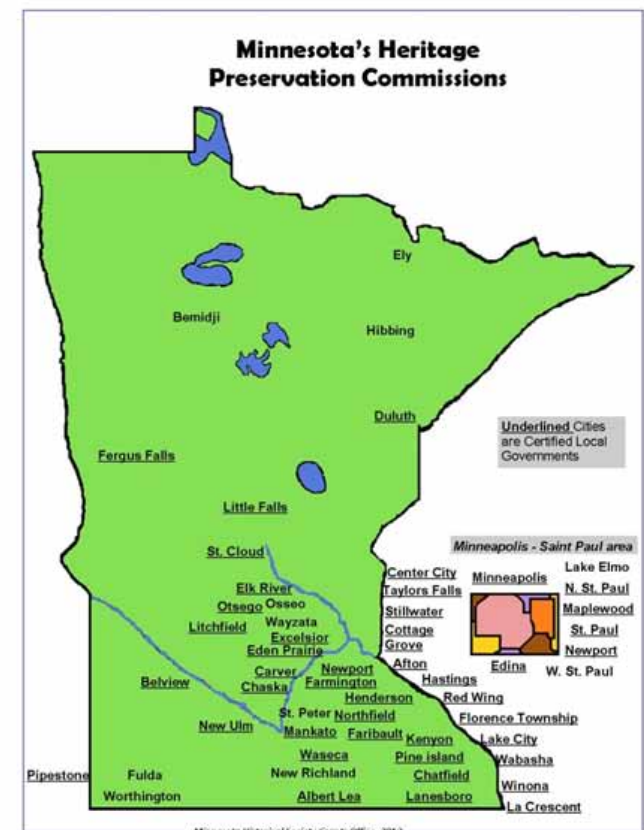


State Level Activity Cont.

- **Minnesota Environmental Rights Act**
 - ▶ Provides right to protect “natural resources,” which includes historic resources
 - ▶ Persons or governments may sue to prevent action that may harm protected resources
- **2016: 57 Heritage Preservation Commissions in Minnesota**
 - ▶ 44 are Certified Local Government programs

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Federal Level Activity

Early federal actions:

- **1935 - National Historic Sites Act**
 - ▶ Established the National Historic Landmarks (NHL) program and authorized the Secretary of the Interior to administer the program
- **1949 - Housing Act of 1949**
 - ▶ Kick-started the “urban renewal” program that would reshape American cities. The Act provided federal funding to cities to cover the cost of acquiring areas of cities perceived to be “slums”
- **1956 - Federal Aid Highway Act (also known as the Interstate Highway Program)**
 - ▶ Empowered the acquisition of rights-of-way for highways throughout America, often impacting older neighborhoods

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Federal Level Activity Cont.

Early federal actions:

- **1966 - National Historic Preservation Act**
 - ▶ Created the National Register of Historic Places, established grant programs for restoration projects and survey activity, and required review of federally involved projects for impacts on historic properties
 - ▶ Established a system of state and tribal liaison officers
- **1969 - National Environmental Policy Act**
 - ▶ While focused on ecology and biological resources, it came to influence procedures used to identify, designate and protect historic resources as well

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Federal Level Activity Cont.

Early federal actions:

- **1976 - American Revolution Bicentennial**
 - ▶ Spurred new interest in history and historic properties
 - ▶ Encouraged a surge in local governments establishing preservation commissions
- **1980 - Certified Local Government program**
 - ▶ Focused on promoting historic preservation at the grass roots level
 - ▶ Established as an amendment to the National Historic Preservation Act
 - ▶ Certified Local Governments are active partners in the Federal Historic Preservation Program

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G. Role of the Commission

- **Stewardship**
- **Identification**
- **Evaluation**
- **Designation**
- **Education**
- **Planning**
- **Partnerships**

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H. Preservation Benefits

- **Economic Benefits**

- ▶ Historic Rehabilitation
- ▶ Heritage Tourism
- ▶ Economic Vitality

- **Environmental Benefits**

- ▶ Embodied Energy
- ▶ Sustainable Building Materials
- ▶ Building Energy Savings
- ▶ Smart Growth

- **Livability Benefits**

- ▶ Preservation Builds Strong Communities

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I. Preservation Incentives

Federal Financial Incentives and Programs

- Certified Local Government (CLG)
- Low-Income Housing Tax Credit
- New Markets Tax Credits

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State Programs

- Minnesota Historical & Cultural Heritage Grants
- Minnesota Historic Structure Rehabilitation State Tax Credits
- State Capital Project Grants-In-Kind
- Heritage Partnership Program
- Historic Recognition Grants Program
- Small Cities Development Program (DEED)

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Local Programs

- Little Falls: Low Interest Loan/Grant Fund
- Mankato: Commercial and Residential Rehab Programs
- Albert Lea: Broadway Ridge Renewal Grant
- Chaska: Initial Architectural Feasibility Grant & Storefront Rehab Loans
- Minneapolis: Facade Improvement Matching Grant Program

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Other Potential Incentives

- Low Interest & Zero Interest Loan Programs
- Exemptions and Variances
- Technical Assistance
- Easements

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Local & Statewide Resources That Can Help

- Local Government Websites
- Local Historical Societies
- Minnesota Historical Society
- Minnesota Office of the State Archaeologist
- Minnesota Archaeological Society
- Preservation Alliance of Minnesota

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Federal Preservation Activity

- The National Park Service
- The National Trust for Historic Preservation
- Advisory Council on Historic Preservation
- National Conference of State Historic Preservation Officers
- National Alliance of Preservation Commissions
- Preservation Action
- The Archaeological Conservancy

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CHAPTER 2:

Legal Foundations

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
- C. Tools Used to Identify Historic Properties
- D. How Do We Officially Recognize Properties of Historic Significance?
- E. How Does National Register of Historic Places (NRHP) Designation Work?
- F. How Does Local Designation Work?
- G. What Legal Issues May Be Raised?



NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

CHAPTER 2:

Legal Foundations

A Starting Question:

- You are a member of your local preservation commission, which is considering the designation of the city's oldest house as a historic landmark. The owner, who objects to the designation, has asked if the city has a right to do so.
 - ▶ How do you answer?
 - ▶ What is the legal basis for regulations related to preservation?

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CHAPTER 2:

Legal Foundations

A Quick Answer:

- *“Fundamentally, communities do have the right to protect historic properties. However, they must do so within the parameters of laws that affect regulation on property and they must employ accepted operating procedures.”*
 - ▶ *Tom Mayes, Legal Counsel, National Trust for Historic Preservation*

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A. Legal Basis

- **Community Preservation Ordinance**
- **Basic Elements of a Preservation Ordinance**
 - ▶ Statement of Purpose
 - ▶ Preservation Commission Established
 - ▶ Commission Power and Duties
 - ▶ Criteria for Designating Historic Properties
 - ▶ Procedures for Designating Historic Landmarks and Districts
 - ▶ Reviewable Actions and Procedures
 - ▶ Standards for Review
 - ▶ Economic Hardship
 - ▶ Interim Protection Provisions
 - ▶ Minimum Maintenance (Demolition by Neglect)
 - ▶ Enforcement and Penalties
 - ▶ Appeals

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Key Principles for a Preservation Ordinance

- **Must promote a valid public purpose**
 - ▶ In some way advance the public health, safety, morals or general welfare
- **Must not be so restrictive as to deprive a property owner of all reasonable economic use of his property**
- **Must honor a citizen's constitutional right to "due process"**
 - ▶ Fair hearings must be provided and rational procedures must be followed
- **Must comply with relevant state laws**
- **Must apply with equal force to everyone**

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Rules of Procedure Include:

Meetings

- Schedule for meeting (e.g., once a month)
- Attendance requirements (maximum of excused absences)

Filing an application

- Schedule for filing
- Submittal requirements

Public notification of a hearing

- A sign posted at the site
- A published announcement

Process for public comment

- At a public hearing
- Prior to a public hearing

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Rules of Procedure Include:

Public hearing process

- Receive staff comments
- Receive applicant's presentation
- Receive comments from the public
- Questions by the commission

Decision-making

- Requirement of a quorum
- Rules for discussion among the commission
- Make a motion
- Vote

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Rules of Procedure Include:

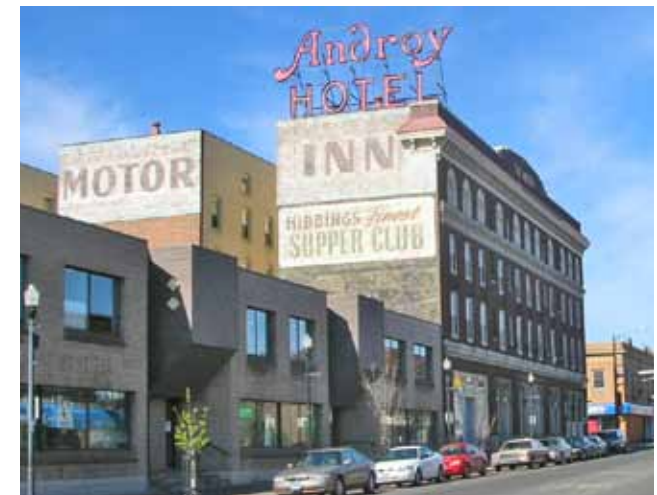
Disposition of the agenda item (by vote)

- Approval as submitted
- Approval with modifications indicated at the meeting
- Continuation to another meeting
- Denial

In this chapter:

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Rules of Procedure Include:

Consent docket

- Several items may be approved in a single motion when there are no objections

Pre-application conference with staff

- Provides opportunity to advise applicants early in the process

Recording decisions

- Most hearings are tape or video recorded
- Written minutes, including decisions, are usually prepared

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Rules of Procedure Include:

Administrative approval

- Delegate staff to approve minor decisions

Ex parte communication

- Avoid communications about a pending application outside the public hearing (ex parte)
- If communication does occur, the rules usually require an announcement at the hearing, and the commissioner involved, must recuse him or herself from participating in a discussion about the property

In this chapter:

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B. How Do We Find What is Historically Significant?

- Professionals in the fields of history, historic preservation and historical architecture work with staff, commission members and advocates to evaluate properties

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Appendix II • Central Business District Survey Form Sample

Minnesota Architecture-History Inventory Form Inventory # WE-WSC-007

Survey Name **City of Waseca Downtown Comprehensive Survey**
Survey Date Fall 2001-Spring 2012 Prepared by Thomas R. Zahn & Associates LLC

Property Location

Address **100 State Street North** City/Twp Waseca/Woodville County Waseca
PIN 17.100.1420 T-R-S Quarter-Quarter T107N R22W Sec. 18 NE-NE
USGSQuad Waseca UTM Zone 15 Coordinates 459366 4880608
Legal ORIGINAL PLAT S 30 FT OF LOT 12 BLK 8

Property Information

State Historic Context Railroads and Agricultural Development, 1870-1940
Local Historic Context City of Waseca Context 4 - Commerce and Industry

Date Constructed 1903 Historic Name First National Bank

Style Renaissance Revival Integrity Good Condition Very Good

Description

This turn of the 20th century 2-story Renaissance Revival commercial block is sheathed in cream brick and stone. The classically detailed building is crowned with a parapet balustrade. Decorative brick banding surrounds the structure below the roofline on the two major facades, facing State Street and Elm Avenue. The second story of the State Street facade displays four Roman-arched windows with brick crowns and stone sills. • The Elm Avenue second story windows have flat stone lintels and sills. The first floor is sheathed with stone and displays a columned and pedimented entry door on State Street flanked by two large window openings. A newer oval plaque is affixed to the building between the entrance and the southerly window that reads "1903". • The Elm Avenue facade has a similar window treatment with stone lintels and sills. The back, stuccoed facade displays shallow arched window openings and entry.

History of Use

This building housed the First National Bank from its construction with a barbershop in the basement with a public library in the back. By 1919 bank offices had replaced the library and by 1930 the barbershop had been replaced with a retail store. The bank occupied the space until 1971. The Waseca Emporium was in place along with the Central Natural Gas Company and a travel service in the 1970s. The second floor also housed an optometrist and beauty center. In 2007 the main space became the Daily Grind coffee shop.

Present Use Commercial: Coffee Shop Property Type Building

NR Status Not listed NR Recommendation Recommended for designation as part of a historic downtown commercial district

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?**
- C. Tools Used to Identify Historic Properties
- D. How Do We Officially Recognize Properties of Historic Significance?
- E. How Does National Register of Historic Places (NRHP) Designation Work?
- F. How Does Local Designation Work?
- G. What Legal Issues May Be Raised?



Example of historic district survey form.

How Do We Find What is Historically Significant?

Surveyors:

- Use adopted standards that are recognized nationally
- Employ a variety of research tools in making those determinations

In this chapter:

A. Legal Basis

B. How Do We Find What Is Historically Significant?

C. Tools Used to Identify Historic Properties

D. How Do We Officially Recognize Properties of Historic Significance?

E. How Does National Register of Historic Places (NRHP) Designation Work?

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C. Tools Used to Identify Historic Properties

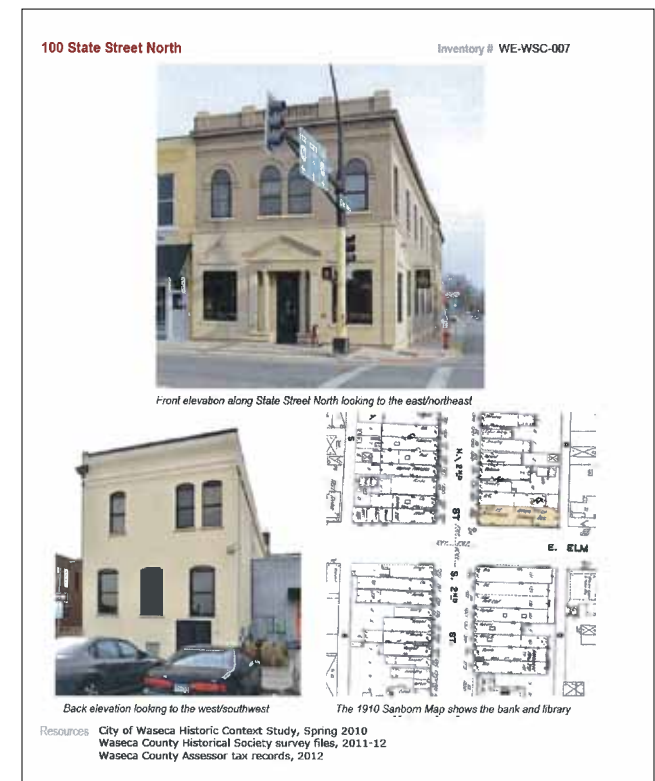
Identifying historic properties begins with a survey...

Survey Includes:

- Field inspection
 - ▶ Description
 - ▶ Condition
- Historic information
 - ▶ Physical
 - ▶ Cultural
- Photographs, drawings and maps

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
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- D. How Do We Officially Recognize Properties of Historic Significance?
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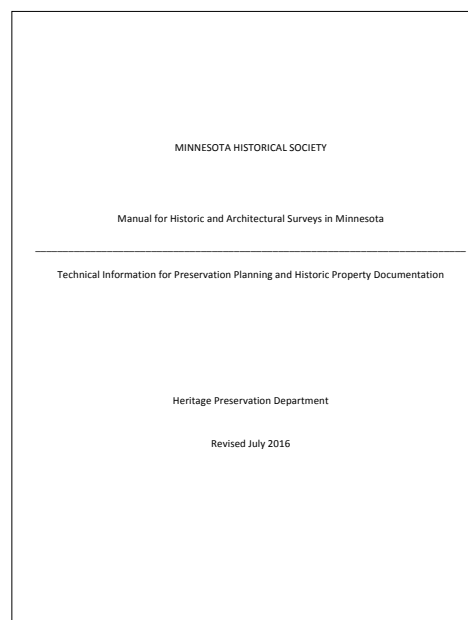
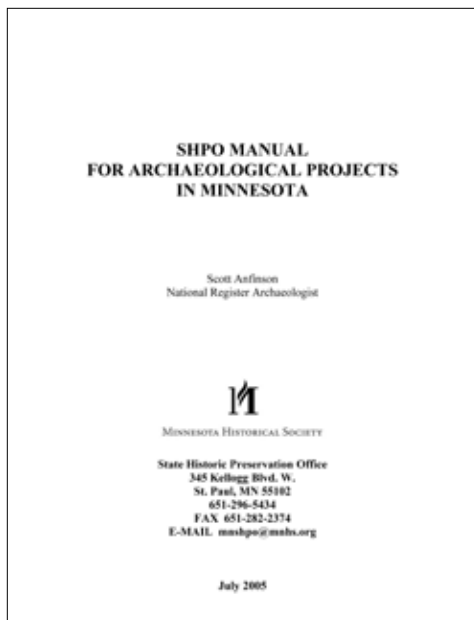


Example of historic property survey form.

Tools Used to Identify Historic Properties

A survey is conducted...

- With guidance of the Minnesota State Historic Preservation Office
- Meeting standards established by the Secretary of the Interior



Covers to the survey manual documents created by the Minnesota SHPO.

In this chapter:

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OBJECTIVE CRITERIA:

It is important that surveys be conducted in an objective manner, using criteria that have been adopted by the commission. These should be consistent with those employed by the Secretary of the Interior, but may include other criteria as well.



Tools Used to Identify Historic Properties

Survey information is then entered into an inventory.

Inventory

- A catalog of survey information
- Organized by individual property addresses
- Includes properties identified as:
 - ▶ Having significance
 - ▶ Lacking historic significance

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
- C. Tools Used to Identify Historic Properties**
- D. How Do We Officially Recognize Properties of Historic Significance?
- E. How Does National Register of Historic Places (NRHP) Designation Work?
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NOTE:

An INVENTORY is distinct from official designation as a historic resource in a historic REGISTER, in that being on the inventory usually does not involve regulation of property, whereas official designation as a landmark does.



Criteria for Evaluating Significance

Age

- Must be 50 years old or older

Integrity

- Must retain integrity of:
 - ▶ Location
 - ▶ Design
 - ▶ Setting
 - ▶ Materials
 - ▶ Workmanship
 - ▶ Feeling
 - ▶ Association

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
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RETAINING INTEGRITY:

A property must retain sufficient integrity in many of these aspects to convey its historical, cultural, or architectural significance



Criteria for Evaluating Significance

A property must have significance in one or more of these categories:

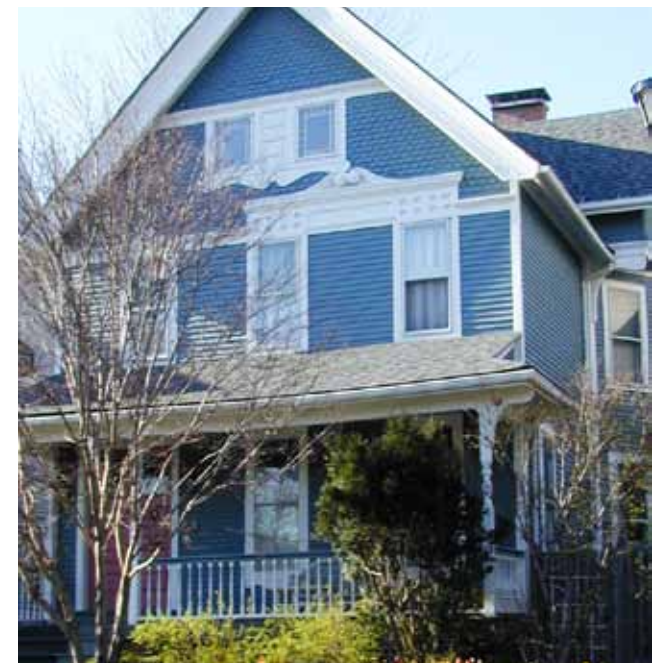
- Association with historic events or trends
- Association with individuals who made a demonstrable and lasting contribution
- Architectural merit
- Potential to yield information that will contribute to a better understanding of our past

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
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LOCAL VARIATIONS IN CRITERIA:

Note that each community may have criteria that vary somewhat from this list.



Criteria for Evaluating Significance

In order to determine significance, these tools are used:

Historic contexts

- These discuss the patterns and trends that produced individual properties in the community

Historical themes

- Information based on a subject, specific time period or geographic area

In this chapter:

- A. Legal Basis
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Integrity

A property must retain integrity...

In this chapter:

- A. Legal Basis
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Contributing Property



This building retains its integrity

Contributing Property with Some Alterations



Although somewhat altered, this building retains sufficient integrity

Non-Contributing Property with Major Alterations



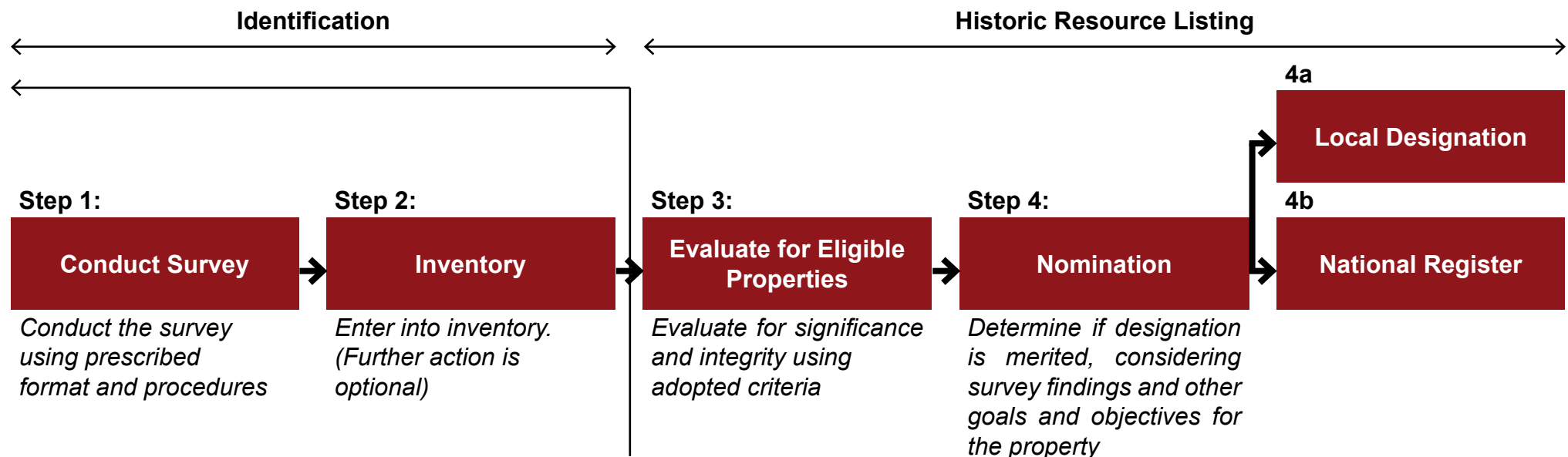
This building does not retain its integrity

Criteria for Evaluating Significance

Surveys and inventories MAY lead to official designation, but not always.

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
- C. Tools Used to Identify Historic Properties**
- D. How Do We Officially Recognize Properties of Historic Significance?
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- F. How Does Local Designation Work?
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D. How Do We Officially Recognize Properties of Historic Significance?

- Properties may be designated as “landmarks” in a process that follows legal requirements
- “Historic Register”
 - ▶ A listing of properties that are officially designated as historic and appear in either the National Register of Historic Places and/or a local register
- Properties on a historic register may be eligible for special benefits and subject to specific requirements

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
- C. Tools Used to Identify Historic Properties
- D. How Do We Officially Recognize Properties of Historic Significance?**
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Types of Designation

Historic properties may be designated at one or more of these levels:

- Federal
 - ▶ National Register of Historic Places
- Local government level
 - ▶ Provides for local commission review

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
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- D. How Do We Officially Recognize Properties of Historic Significance?**
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LEVELS OF DESIGNATION:

Since properties may be designated at more than one level, this may be confusing to lay people, and it is important that you are clear in discussions about designation.

MINNESOTA NATIONAL REGISTER:

The Minnesota Historical Society keeps a full interactive National Register of Historic Places database. Please visit the link below for more information:

www.mnhs.org/nrhp



E. How Does National Register of Historic Places Designation Work?

- Recognizes districts, buildings, structures, objects, and sites for their significance in American history, archeology, architecture, engineering, or culture, and identifies them as worthy of preservation
- A program of the U. S. Department of the Interior, National Park Service
- Administered at the State level by the Minnesota State Historic Preservation Office

In this chapter:

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LEVELS OF SIGNIFICANCE:

Note that, while it is named the “National Register,” properties can be listed as having national significance but some may only be significant at a state or even a local level. They must, however, meet the National Register criteria.



National Register Listings in Minnesota

- The National Register currently (as of 2016), comprises:
 - ▶ 1,600 NR listings, which represent more than 7,300 resources, including 201 historic districts
- Listed properties span a wide variety of types and periods, ranging from prehistoric archeological sites to buildings of the recent past, and include rural landscapes, urban and suburban neighborhoods, bridges, sailing vessels, and more

In this chapter:

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Effect of National Register Listings on Property Owners

- Honors the property by recognizing its importance to the community, state, or to the nation
- Confers a measure of protection from harm by federal or state activities
- Does not place any restrictions on the actions of private property owners
- Donations of preservation easements on Register-listed properties also may qualify for charitable tax deductions
- A property listed only in the National Register may be altered or demolished following general building and demolition codes of local communities

In this chapter:

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RETAINING INTEGRITY:

Listing in the National Register also is the effective threshold for eligibility for a variety of programs designed to assist in the preservation of significant properties, including Federal and State tax credits for certain types of rehabilitation work. Other financial incentives for preservation include grants and loans.



F. How Does Local Designation Work?

The Legal Basis for Local Designation

- Properties are designated under the community's "police power"
- Authorization is set forth in Section 471.193 "Municipal Heritage Preservation" of the Minnesota Statutes
 - ▶ This is considered "enabling legislation"
 - ▶ Any local ordinance must be in agreement with the applicable state enabling legislation

In this chapter:

- A. Legal Basis
- B. How Do We Find What Is Historically Significant?
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- D. How Do We Officially Recognize Properties of Historic Significance?
- E. How Does National Register of Historic Places (NRHP) Designation Work?

F. How Does Local Designation Work?

- G. What Legal Issues May Be Raised?

THE COMMISSION'S ROLE:

Note that the commission's role is advisory in the designation process. The governing body makes the formal decision.



G. What Legal Issues May Be Raised?

- These legal issues often arise during designation:
 - ▶ Takings
 - ▶ Procedural due process
 - ▶ Substantive due process

In this chapter:

- A. Legal Basis
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- F. How Does Local Designation Work?

G. What Legal Issues May Be Raised?



The Takings Issue

- The term “takings” derives from a provision in the Fifth Amendment to the U.S. Constitution
 - ▶ Private property shall not “be taken for public use, without just compensation”

In this chapter:

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NOTE:

Please refer to the companion Manual for additional information.

The Takings Issue

- In general, the courts have interpreted a “taking” to occur only when NO viable use of the property remains from the governmental action
- Limiting use, or in some cases prohibiting certain alterations or even demolition, is not considered a taking

In this chapter:

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The Takings Issue

- The courts have upheld local governments' ability to regulate for preservation
- The courts do consider closely if a property owner's rights for due process have been followed

In this chapter:

- A. Legal Basis
- B. How do we find what is historically significant?
- C. Tools Used to Identify Historic Properties
- D. How do we officially recognize properties of historic significance?
- E. How does National Register of Historic Places (NRHP) designation work?
- F. How does local designation work?
- G. What legal issues may be raised?**

NOTE:

Please refer to the companion Manual for additional information.

Procedural Due Process

Procedural due process is essentially based on the concept of “fundamental fairness.”

Procedural Due Process requires:

- Advance notice of the proceedings
- Final notice of the decision reached
- Opportunity for individuals directly affected by the proposed governmental action to be heard

In this chapter:

- A. Legal Basis
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FOLLOWING DUE PROCESS:

Commissioners should take care in their actions to assure that procedural due process is provided.

March 28, 2016
NOTICE OF PUBLIC HEARING
The City of Mankato Heritage Preservation Commission will hold a public hearing regarding the following request on Thursday, April 14, 2016 at 4:00 p.m., in the Minnesota Valley Room located on the first floor of the Intergovernmental Center, 10 Civic Center Plaza, Mankato, MN. The purpose of this hearing is to consider the following:
** Request of Planning Agency and Heritage Preservation Commission for an ordinance amending Section 10.82, Subdivision 20 relating to locally designated heritage properties - Wenzl Huettl Tailor Shop. The property is described as the Northerly 22 feet of Lot 1, Block 17, except the rear or Easterly 34 feet of the Northerly 22 feet of Lot 1, Block 17, Map of Mankato, Blue Earth county, M.T. (329 N. Riverfront Drive).
Paul Vogel
Director of
Community Development

Example of public hearing notice

Substantive Due Process

- Addresses the rationality of the substance of the decision
- Decision must be based on the evidence on the record using the criteria in the ordinance
- Protects individuals from bias, conflicts of interest, and other factors bearing on the impartiality of the decision-makers

In this chapter:

- A. Legal Basis
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MORE INFORMATION:

See also:

Federal Preservation Laws

<http://www.preservationnation.org/information-center/law-and-policy/legal-resources/preservation-law-101/federal-law/#.VuMEgYwrJQo>

CHAPTER 3:

Designating Historic Properties

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries



CHAPTER 3:

Designating Historic Properties

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries

A Starting Question:

- A property owner has indicated to you that they are interested in having their residence designated as a local historic landmark under the community's preservation ordinance, and they want to know what the process will be. How will you answer them?



A. Designating Historic Properties

In this chapter:

A. Designating Historic Properties

B. Inventories

C. Types of Historic Properties

D. Significance and Integrity

E. Defining Districts and Using Boundaries

- Designation is a zoning action
- It is only made by a local governing body (i.e. Mayor/Council) through adoption of an ordinance
- The designation ordinance includes:
 - ▶ Description of the historic, architectural, or archeological significance of the property
 - ▶ Boundaries of the property
 - ▶ Reference to the local code that allows the government to make the designation



NOTE:


Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

Steps in the Designation Process

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries

1. Prepare the nomination
2. File the nomination with the HPC
3. Schedule a HPC hearing
4. Preservation Commission decision
5. Referral to Planning Commission
6. City Council / county commissioners hearing
7. Appeal (if requested)

		Heritage Preservation Site Designation	
		Type 4 Review	
GENERAL INFORMATION			
1. Applicant			
Name: _____			
Street: _____	City: _____	State: _____	Zip: _____
Business Telephone: _____		Fax: _____	
Email: _____			
2. Property Identification Number (PID) for this application: _____			
3. Property Address for this application:			
Street: _____		City: Northfield	State: MN Zip: 55057
4. Project Name and Project Description:			
5. Property Owner			
<input type="checkbox"/> Same as the Applicant			
Name: _____			
Street: _____	City: _____	State: _____	Zip: _____
Business Telephone: _____		Fax: _____	
Email: _____			
6. Project Contact (Architect, Designer, Engineer, Land Surveyor, or Landscape Architect, if applicable)			
Name: _____		Role in Project: _____	
Company: _____			
Street: _____	City: _____	State: _____	Zip: _____
Business Telephone: _____		Fax: _____	
Email: _____			
City Use Only			
Received by: _____		Date Received: _____	Date Complete: _____
Permit No.: _____		Fee: _____	Date Paid: _____
Other: _____		Escrow: _____	Date Paid: _____
<hr/>			
Community Development		801 Washington Street Northfield, MN 55057	Phone: 507-645-3059 www.ci.northfield.mn.us
Page 1			

The Commission's Role

In this chapter:

A. Designating Historic Properties

B. Inventories

C. Types of Historic Properties

D. Significance and Integrity

E. Defining Districts and Using
Boundaries

1. Review the nomination
2. Hold informational meetings
(highly recommended)
3. Make formal recommendation to
the elected body



B. Inventories

Some key questions:

- What is an inventory?
- How is an inventory used?
- Why is it important to keep an inventory up to date?

In this chapter:

- A. Designating Historic Properties
- B. Inventories**
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NOTE:

An INVENTORY is distinct from official designation as a historic resource in a historic REGISTER, in that being on the inventory usually does not involve regulation of property, whereas official designation as a landmark does.



What is an Inventory?

- A collection of data about the potential historic significance of properties in the community
 - ▶ Includes any surveys of historic resources, as well as individual evaluations of properties that may be conducted for a variety of research purposes
- Maintained as an informational source
- Does not itself bring with it any regulatory requirements

In this chapter:

- A. Designating Historic Properties
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FOR MORE INFORMATION

The State of Minnesota maintains a survey of over 70,000 structures and 18,000 archaeological sites throughout the state.

<http://www.mnhs.org/shpo/survey/inventories.php>



How is an Inventory Used at a Local Level?

In this chapter:

- A. Designating Historic Properties
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- As a reference point in determining if any properties would merit consideration for designation
- As a means of developing educational materials
- When developing neighborhood plans
- When evaluating development proposals under other permitting regulations

MINNESOTA ARCHITECTURE - HISTORY INVENTORY FORM

Project: Local Historic Bridge Study - Phase II
Minneapolis, Hennepin County, Minnesota

Identification		SHPO Inventory Number: HE-MPC-9089
Historic Name: Bridge 90482		Review and Compliance Number:
Current Name: Bridge 90482		Form (New or Updated): Updated
Field #		Description
Address: 4000 Black Nokomis Ave S near Minnehaha Creek		Linear Feature? No
City/Twp: Minneapolis		HPC Status: Potential
County: Hennepin		Resource Type: Structure
Legal Desc: Twp 28 Range 24 Sec 13 QQ NENE		Architect/Engineer: City Engineer of the City of Minneapolis
USGS Quad: ST PAUL WEST		Style: No Style
UTM Zone: 15N Datum: NAD83		Construction Date: 1922
Easting: 481975 Northing: 4977984		Original Use: Transportation
Property ID (PIN):		Current Use: Transportation

Description

90482 carries Nokomis Avenue South over Minnehaha Creek, between East 46th and East 47th Streets, in Minneapolis, Hennepin County, Minnesota. The bridge crosses over Minnehaha Creek in a north-south alignment that is skewed to the creek, as the creek passes under the bridge in a southwest to northeast alignment. The bridge is located within the Minnehaha Segment of the Grand Rounds, which is defined by the creek and Minnehaha Parkway. The linear park area surrounding Minnehaha Creek features a valley of varying width, generally with steep bluffs on either side. Dense areas of mature trees as well as manicured open spaces with walking and biking trails line the creek.

Bridge 90482 is a single span, reinforced-concrete, deck-girder bridge that was constructed in a Classical Revival style. The bridge has a total structure length of 41 feet, with a 36-foot long main span. The out-to-out deck width is 56 feet. The substructure is comprised of reinforced-concrete abutments, and concrete wingwalls. An arched fascia girder on both sides obscures the abutments and girders from view, except for under the span. There are recessed panels in the spandrel walls and a large keystone at the top of the arch. Projecting rusticated pilasters are found at either end of the arch. There is a continuous band of decorative deck coping that extends the length of the structure.

The superstructure consists of nine reinforced-concrete deck girders that rest on the concrete abutments. The deck consists of a 30-foot wide concrete roadway with raised concrete sidewalks on either side. The solid concrete railing features square end posts with shallow pyramidal caps on each end. There are two intermediate posts that have decorative molding on the sides and pyramidal caps. Railing panels consist of three groups of seven vertical, rectangular openings in the railing. A short metal tube railing was added to the top of the concrete balustrade in 1989. The entire r

Integrity - Good

Bridge 90482 remains in its original location over Minnehaha Creek, retains its park-like setting within the Minnehaha Segment of the Grand Rounds, and retains its historic use as a crossing over Minnehaha Creek. As such, the bridge retains good integrity of location and setting. According to the registration requirements in the "Reinforced-Concrete Highway Bridges in Minnesota: MPR," in order to be eligible for the NRHP, "the significant reinforced-concrete element in the superstructure span...must be in substantially original condition. Because this engineering element is the most important feature of bridges in this property type, neither an original substructure nor an original deck and railing system are necessary for the bridge to be eligible (although these components, when original, may enhance the significance of the bridge)." (Frame 1988:1-7). Since the bridge's construction in 1921, routine maintenance has been performed on the bridge, including a new concrete wearing surface and the addition of metal pipe railings to meet safety requirements in 1989. The bridge railing was rehabilitated in 2012. While the railing retains its historic design, a coat of gray special surface finish was applied to the railing as part of the rehabilitation.

HE-MPC-9089

Example of inventory form for Minneapolis, MN

C. Types of Historic Properties

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties**
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries

The types commissions discuss most often are:

Building

- A structure which is intended to shelter some sort of human activity. Examples: a house, barn, or church

Historic District

- A geographically definable area, possessing a significant concentration of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development



Types of Historic Properties

In this chapter:

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The types commissions discuss most often are:

Object

- Constructions that are usually artistic in nature, or small in scale when compared to structures and buildings, and generally associated with a specific setting or environment. Examples: monuments, sculptures and fountains



Site

- A discrete area significant solely for activities in that location in the past, such as a battlefield or designed landscape (parks and gardens)



Types of Historic Properties

In this chapter:

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The types commissions discuss most often are:

Structure

- A functional construction intended to be used for purposes other than sheltering human activity. Examples: an aircraft, a ship, a grain elevator, and a bridge
- Other categories also are used. These include:
 - ▶ Cultural landscape
 - ▶ Traditional cultural property
 - ▶ Maritime sites
 - ▶ Archaeological resources



Landmarks and Districts

Contributing Property:

- Any building, structure, object or site within the boundaries of the district which reflects the significance of the district as a whole, because of historic associations, historic architectural qualities or archaeological features
- Another key aspect of the contributing property is historic integrity

In this chapter:

- A. Designating Historic Properties
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- C. Types of Historic Properties**
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries



Landmarks and Districts

Non-contributing Property:

- In a historic district, those properties that do not have historic significance are termed “non-contributing”
- This does not indicate that the property is incompatible in its character with the district; that is a different consideration

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties**
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What Makes a Non-Contributor?

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties**
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- It is of more recent construction, and therefore does not have historic significance at this time
- It is an older property, but is substantially altered and therefore has lost its integrity
- There is insufficient information to determine that the property has historic significance



D. Significance and Integrity

Age of Historic Resources:

- In general, properties must be at least 50 years old
- Exceptions do exist when a more recent property clearly has historic value

In this chapter:

- A. Designating Historic Properties
- B. Inventories
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Significance Criteria

Most local governments apply criteria adapted from those of the Secretary of the Interior:

- Association with events or trends important in the history of the community
- Association with individuals who made a demonstrable and lasting contribution
- Architectural merit
- The potential to yield information that will contribute to a better understanding of our past

In this chapter:

- A. Designating Historic Properties
- B. Inventories
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Integrity

- In addition to demonstrating significance, a property must retain physical integrity to reflect that significance
- It must not have been substantially altered since the period of historical association

In this chapter:

- A. Designating historic properties
- B. Inventories
- C. Types of historic properties
- D. Significance and integrity**
- E. Defining districts and using boundaries



Aspects of Integrity

Integrity includes:

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
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NOTE:

Please refer to the companion Manual for additional information.



What are Character-Defining Features?

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
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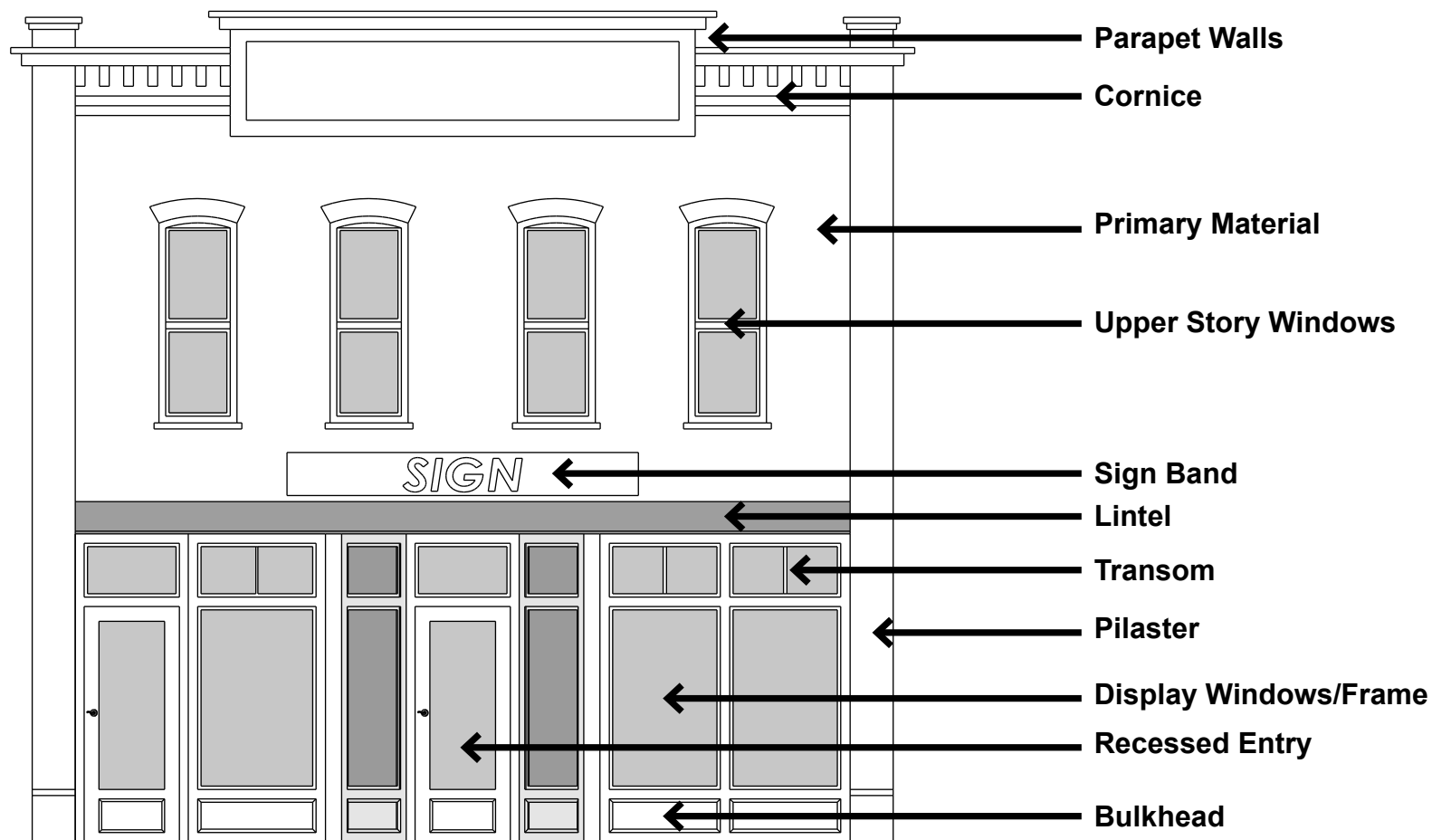
- Some basic character-defining feature categories:
 - ▶ Shape of the building overall (simple rectangle, complex composition)
 - ▶ Roof shape (sloping, flat)
 - ▶ Roof details (eaves, rafters)
 - ▶ Openings (windows and doors)
 - ▶ Projections (porches, turrets, bay windows)
 - ▶ Craftsmanship - trim and other components (decorative elements, railings, shutters)
 - ▶ Materials



What are Character-Defining Features?

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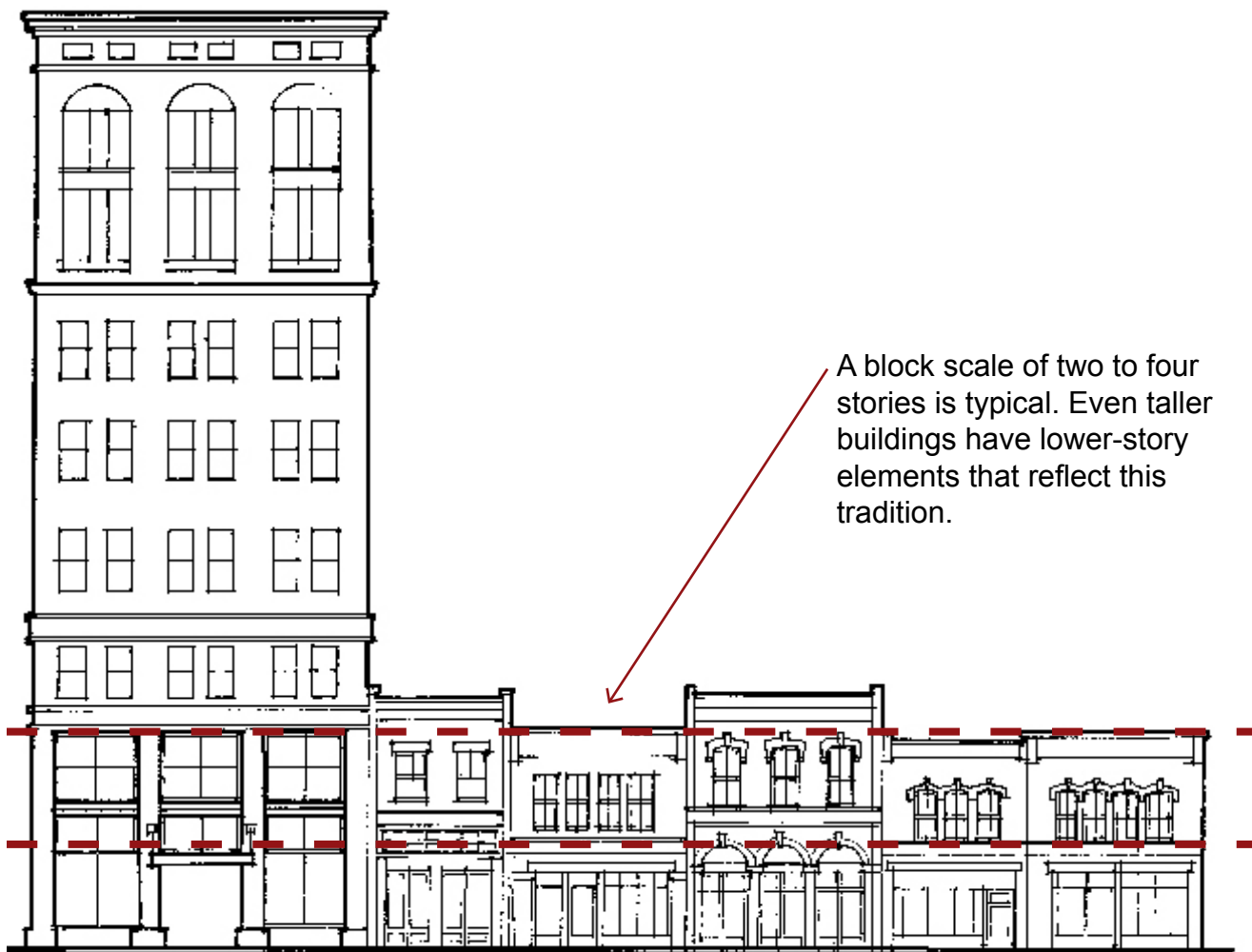
- A. Designating Historic Properties
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- C. Types of Historic Properties
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What are Character-Defining Features?

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E. Defining Districts and Using Boundaries

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries**

Factors to Consider in Establishing Boundaries:

Historical Factors

- Original settlement boundaries
- Early concentration of buildings

Visual Factors

- Views
- Gateways
- Topography



Lincoln Park Residential Historic District Map from Mankato shows zoning districts with the Historic District boundary overlay.

Defining Districts and Using Boundaries

In this chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries**

A map of a potential historic district in Mackinac Island, Michigan, shows all buildings within the boundary. Contributors are identified in red; non contributors in brown. Other structures, including two wharves, a stone retaining wall, and a breakwater, are also identified as contributing resources.



Defining Districts and Using Boundaries

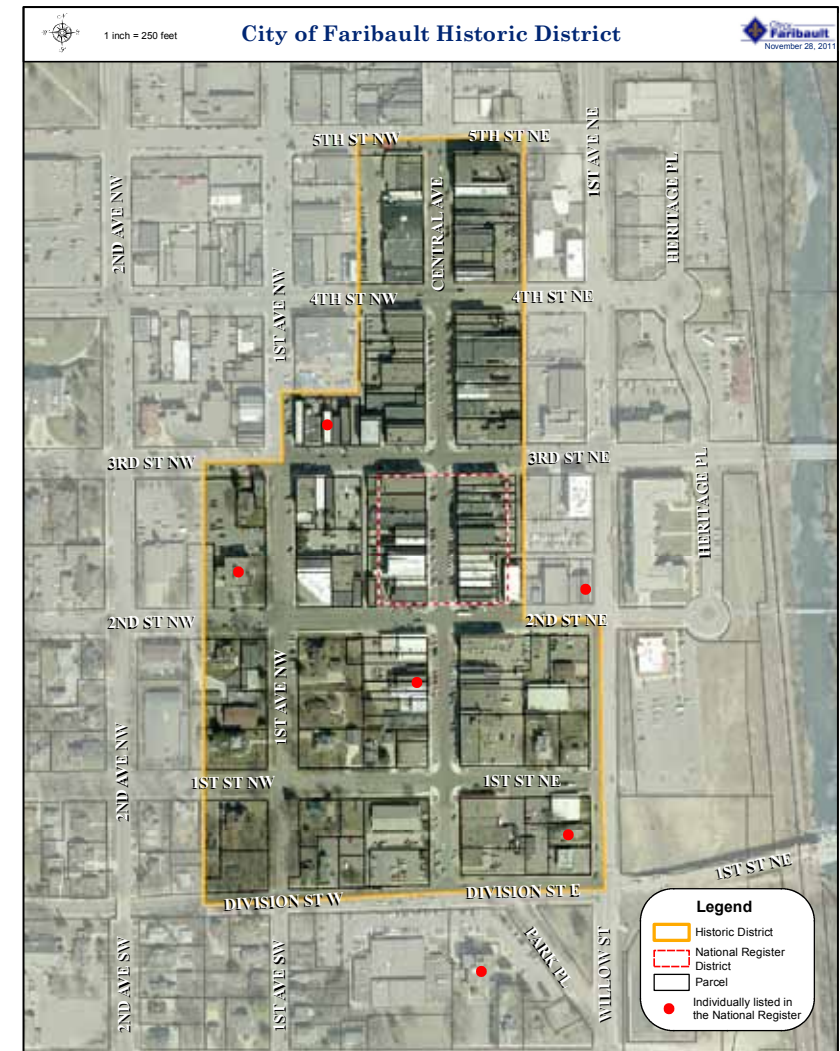
In this chapter:

- A. Designating historic properties
- B. Inventories
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- D. Significance and integrity
- E. Defining districts and using boundaries**

Factors to Consider in Establishing Boundaries:

Physical Factors

- Railroads, highways
- Major urban spaces
- Rivers, natural features
- Changes in land use
- Walls, fences
- Limits of settled areas



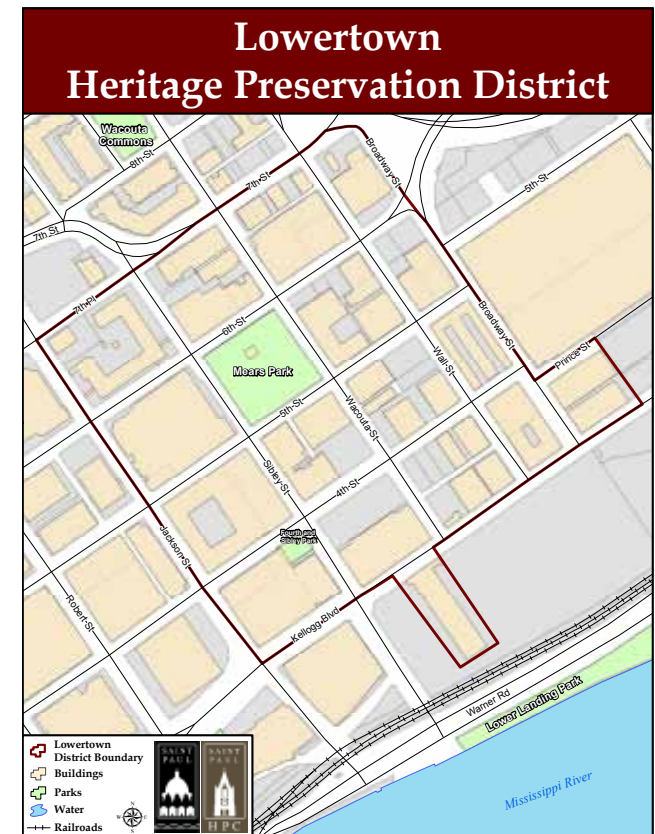
Defining Districts and Using Boundaries

In this chapter:

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- B. Inventories
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Factors to Consider in Establishing Boundaries:

- Surveyed lines and lines of convenience
- Legal boundaries
- Streets and Rights-of-Way
- Property lines
- Uniform setbacks



CHAPTER 4:

Treatment of Historic Properties

In this chapter:

- A. Determining What's Important To Preserve
- B. Preservation Principles
- C. Alternative Treatments For a Historic Property
- D. Applying These Principles



CHAPTER 4:

Treatment of Historic Properties

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A Starting Question:

- As a commissioner, you are preparing to review a proposal to alter a historic commercial building. The project would include repairs to existing features, some alterations and an addition.
- How will you determine if this work is appropriate?



A. Determining What's Important To Preserve

- Before reviewing a proposal, it is important to identify the key features that contribute to the significance of a historic resource
- This may in part depend upon the type of resource, and whether it is individually listed, or is a contributor resource to the district

In this chapter:

- A. Determining What's Important To Preserve
- B. Basic Preservation Principles
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- D. Applying These Principles



NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

Individual Landmarks

- For individually listed landmarks, great care should be taken to identify all the key features that should be preserved
- For properties that are highly significant, this may include features on all sides of the building
- This is especially true for buildings that are visible from multiple public ways

In this chapter:

A. Determining What's Important To Preserve

B. Basic Preservation Principles

C. Alternative Treatments For a Historic Property

D. Applying These Principles



Significance and Integrity of a Contributor

- In a historic district with many contributors and where sides and rear walls are less visible, features in remote locations may be less critical to the significance of the property
- More flexibility in their treatment may be an option
- This will depend, however, upon careful consideration of the context and the reasons for significance

In this chapter:

- A. Determining What's Important To Preserve
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Setting Priorities for Key Features

- Some features may be more important in conveying the historic significance of a property
- For many buildings, facades seen from the public way often contain more character-defining features than other facades

This series of sketches (to the right) illustrate a method of evaluating the priorities for preserving key features.

Primary facade: Highly valued character-defining features

Secondary wall: Moderately high value, with fewer character-defining features

Rear wall: Few character-defining features

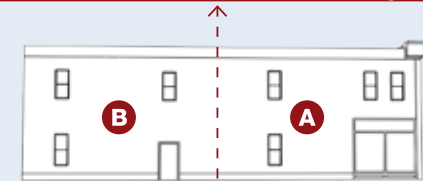
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Location A: Primary Facade



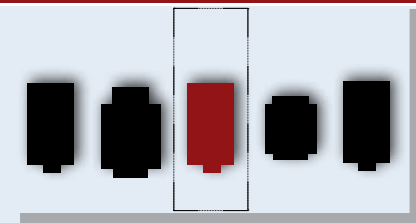
Location A: Highly Visible Secondary Wall
Location B: Less Visible Secondary Wall



Location C: Not Highly Visible Rear Wall



Site Plan



STREET

B. Basic Preservation Principles

The following principles are based on the Secretary of the Interior's Standards for the Treatment of Historic Properties and apply to all historic properties:

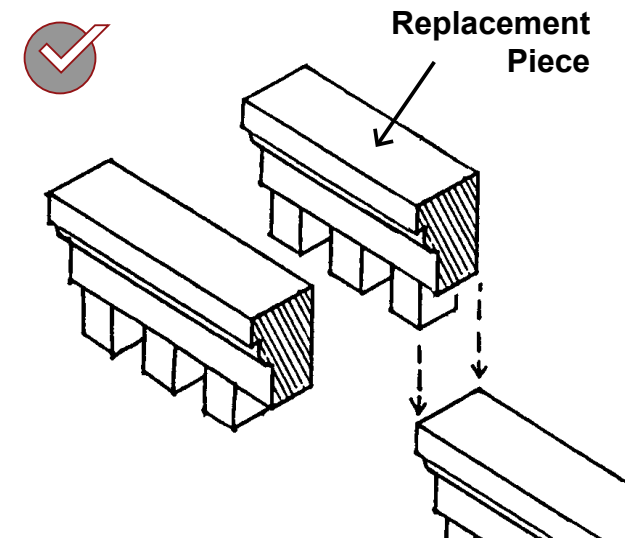
In this chapter:

- A. Determining What's Important To Preserve
- B. Basic Preservation Principles**
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REFERENCE:

The Secretary of the Interior's Standards for the Treatment of Historic Properties can be found at <http://www.nps.gov/tps/how-to-preserve/briefs.htm>.

- **Principle 1: Preserve key features**
 - ▶ Those elements that convey significance should be preserved
- **Principle 2. Retain integrity**
 - ▶ Retain historic fabric wherever possible
- **Principles 3. Respect the historic character of a resource**
 - ▶ Don't try to change the style or make it look older than it is
- **Principle 4. Seek uses that are compatible with the historic character**



Where replacement of a character-defining feature is required, remove only those portions that are deteriorated beyond repair.

C. Alternative Treatments For a Historic Property

Four alternative “treatments” are used for historic resources:

1. Rehabilitation

- The process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural and cultural values
- Rehabilitation may include a change in use of the building or additions. This term is the broadest of the appropriate treatments and is often used in local design review guidelines with the understanding that it may also involve other appropriate treatments
- Rehabilitation is what commissions focus on

In this chapter:

- A. Determining What’s Important To Preserve
- B. Preservation Principles
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- D. Applying These Principles

The fundamental concept for rehabilitation is that improvements should take the “path of least interference” with key features of the property. This is a commission’s primary focus.

Note that guidelines for treatment of historic properties must be consistent with those generally recognized by the Minnesota Historic Trust.



C. Alternative Treatments For a Historic Property

2. Preservation

- The act or process of applying measures to sustain the existing form, integrity and material of a building
- Some work focuses on keeping a property in good working condition by repairing features as soon as deterioration becomes apparent, using procedures that retain the original character and finish of the features

In this chapter:

- A. Determining What's Important To Preserve
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C. Alternative Treatments For a Historic Property

In this chapter:

- A. Determining What's Important To Preserve
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3. Restoration

- The act or process of accurately depicting the form, features and character of a property as it appeared in a particular time period
- It may require the removal of features from outside the restoration period



C. Alternative Treatments For a Historic Property

In this chapter:

- A. Determining What's Important To Preserve
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4. Reconstruction

- The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific time and in its historic location



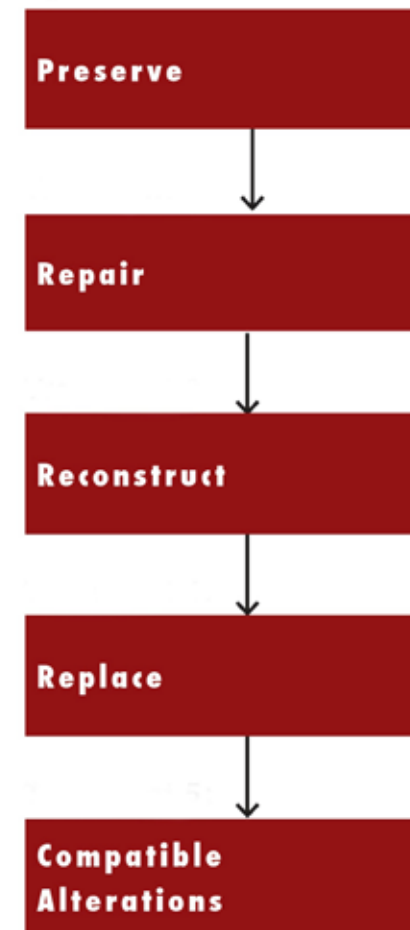
The Basics for the Rehabilitation Approach

In this chapter:

- A. Determining What's Important To Preserve
- B. Preservation Principles
- C. Alternative Treatments For a Historic Property**
- D. Applying These Principles

- **Step 1: Preserve**
 - ▶ Maintain all features in good condition, first
- **Step 2: Repair**
 - ▶ If the feature is deteriorated, repair it
- **Step 3: Reconstruct**
 - ▶ If the feature is missing, reconstruct it
- **Step 4: Replace**
 - ▶ If not feasible to repair, then replace
- **Step 5: Install Compatible Alterations**
 - ▶ If an addition is needed, design it to minimize impacts
 - ▶ Also distinguish new changes from original historic elements

PREFERRED SEQUENCE OF IMPROVEMENTS



Steps in Developing an Appropriate Approach

In this chapter:

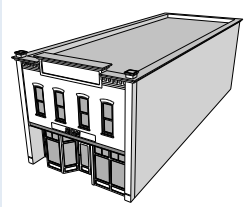
A. Determining what's important to preserve

B. Preservation principles

C. Alternative treatments for a historic property

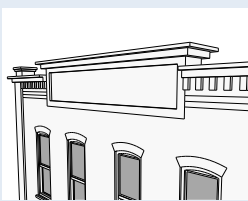
D. Applying these principles

Step 1: Why Is The Building Significant? Determine Building Significance



Building significance. Understanding the history of a building is important to any preservation project. Where it is available, survey information available in the Planning Department should be consulted to help identify the building's age, style and its key character-defining features. This will help determine to what degree the property should be preserved as it is, or where there may be opportunities for compatible alterations to occur.

Step 2: What Is The Condition Of The Building And Its Key Character-Defining Features?



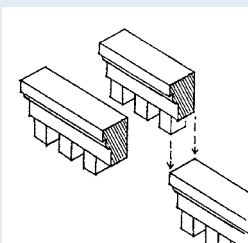
Integrity. The condition of a building and its features contribute to the overall significance of the building. A building with historic integrity has a sufficient percentage of character-defining features, and key features remain intact. These key elements allow a building to be recognized as a product of its time.

Step 3: What Is The Desired Project?



Building use. Are any functional improvements needed for the desired building use? Or is preservation of character-defining features the objective? If restoring features is the focus, then other alternative design approaches may not be necessary, but if some functional improvements are needed, then compatible alterations and/or additions may be the approach.

Step 4: What Is The Treatment Strategy



Treatment strategy. A preservation project may include a range of activities, such as maintenance of existing features, repair of deteriorated materials, the replacement of missing features and construction of a new addition. While the term "preservation" is used broadly to mean keeping a historic property's character-defining features, it is also used in a more specific, technical form to mean keeping a resource in good condition. This, and other related terms, are important to understand because they are all used when planning for improvements to a historic property.

D. Applying these Principles

Case Study 1:

In this chapter:

- A. Determining What's Important To Preserve
- B. Preservation Principles
- C. Alternative Treatments For a Historic Property

D. Applying These Principles



Before:

- Original storefront windows have been covered
- Entryway door is not in character with historic styles or materials
- The second-story windows have been down-sized with infill
- The upper story brickwork needs cleaning and repair
- The storefront has been modified with modern treatments and materials



After:

- Storefront windows have been uncovered
- Entryway door is replaced
- Bulkhead is uncovered and restored
- Fresh coat of paint applied to piers and lintels
- Appropriate signage painted in the storefront window
- Appropriate sign board used on the sidewalk

D. Applying these Principles

Case Study 2:

In this chapter:

- A. Determining What's Important To Preserve
- B. Preservation Principles
- C. Alternative Treatments For a Historic Property

D. Applying These Principles



Original Character

- Offset tower
- Bracketed cornices
- Stone window sill and arches
- Double hung windows
- Fire door
- Storefront
- Brick facade



Interim Condition

- Tower missing
- Cornices missing
- Stone trim damaged
- Upper windows altered
- Fire door altered
- Storefront missing
- Brick damaged



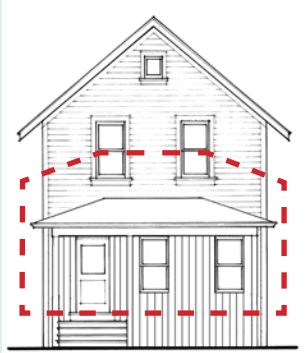
After Rehabilitation

- Tower reconstructed
- Cornices reconstructed
- Stone trim repaired in place
- Upper windows replaced
- Fire door shape restored, with contemporary storefront
- Storefront reconstructed

D. Applying these Principles

Case Study 3:

Existing Altered Porch



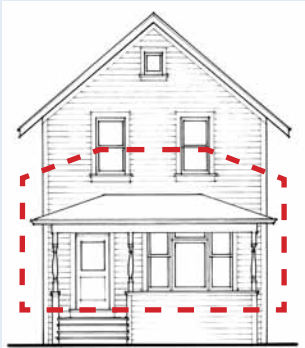
- Porch posts are missing.
- Porch area is enclosed.

In this chapter:

- A. Determining What's Important To Preserve
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- C. Alternative Treatments For a Historic Property

D. Applying These Principles

Treatment 1: Reconstruction



When Should I Use This Approach?

- The building is highly significant
- There is good historical information about the design
- The needed materials and craftsmanship are available
- The project budget permits
- The context has many intact historic buildings

Treatment 2: Replace



When Should I Use This Approach?

- The building is a contributor to the district
- There is less historical information about the original design
- The budget is more limited
- The work will be phased

D. Applying these Principles to an Addition

Case Study 4:

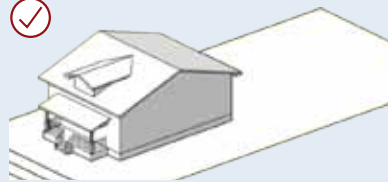
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D. Applying These Principles

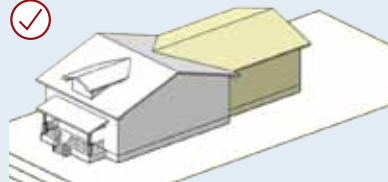
Original Structure

The one-and-a-half story bungalow illustrated at the right is a contributing structure in a locally-designated historic district.



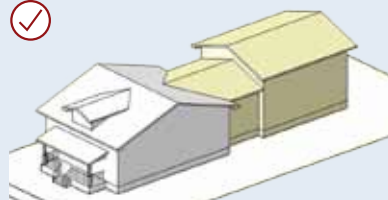
One-Story Attached Addition

The one-story addition illustrated at the right is appropriate because it is clearly differentiated from the original structure with a change in roof plane and is nearly invisible from the street.



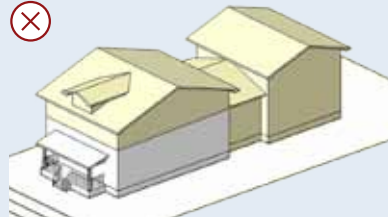
One-and-a-Half Story Addition with Connector

The one-and-a-half story addition illustrated at right is appropriate because it is set back and clearly differentiated from the original structure with a connector.



Inappropriate Two-Story Roof-Top Addition

The roof-top addition illustrated at right is inappropriate because it substantially alters the primary façade of the historic structure.

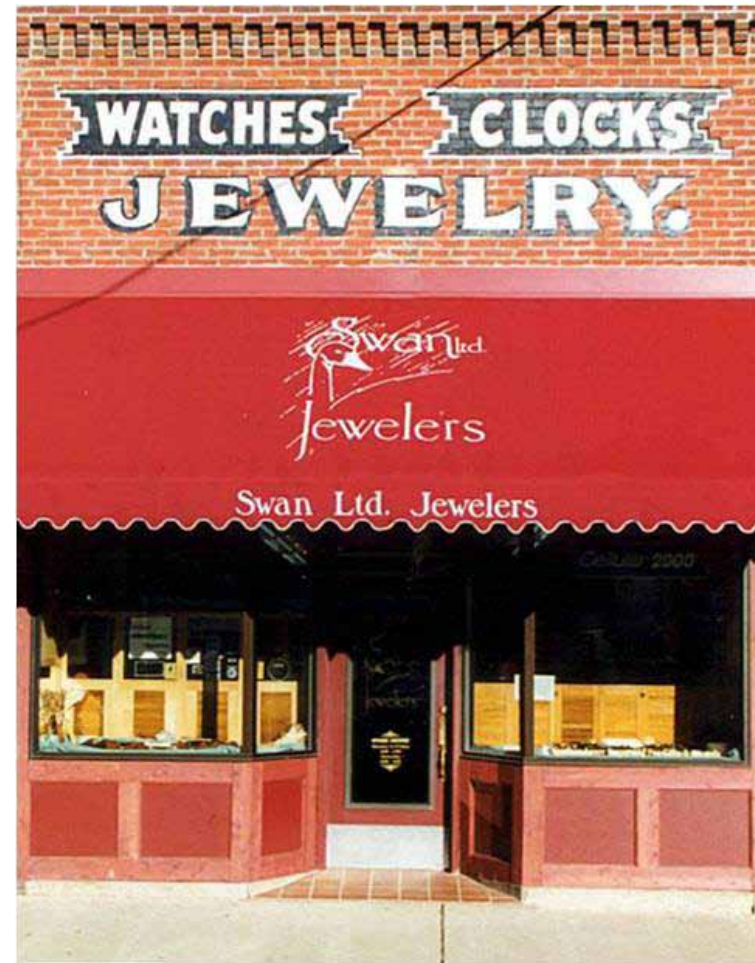


CHAPTER 5:

Nuts and Bolts For Commissions

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making



CHAPTER 5:

Nuts and Bolts For Commissions

In this chapter:

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A Starting Question:

- You are a new member of your local preservation commission, and you will be participating in your first public hearing
- A proposal to rehabilitate a historic building is on the agenda
- How will you and your colleagues operate as a commission?
- And how will you make your decisions?



A. Roles of the Players

Appointment to the Commission

- Appointed by the city council or board of county commissioners
- Qualification of members
 - ▶ Those to be appointed should have a demonstrated special interest in the field
 - ▶ The ordinance may specify requirements related to certain professional fields associated with design, history and other relevant topics

In this chapter:

A. Roles of the Players

B. Policy Base of Historic Preservation

C. Design Guidelines

D. Defensible Decision-Making



NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

HPC Roles

- Citizens provide a public service to their communities by serving on preservation commissions
- As such, they help to promote implementation of the community's adopted policies and regulations related to historic preservation
- They should do so objectively, without introducing their personal biases

In this chapter:

A. Roles of the Players

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HPC Roles

In this chapter:

A. Roles of the Players

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Stewardship

- Promote proper use and care of historic properties
- Review proposed improvements
- Discourage demolition
- Encourage use of incentives to facilitate preservation



Preservation Planning

- Develop preservation plans and participate in broader community planning work

Identification

- Sponsor surveys that catalogue properties and serve as a basis for identifying historic resources

HPC Roles

Evaluation

- Evaluate potential significance of properties identified in surveys

Reviewing projects and advising

- Review proposed changes to the exteriors of properties
- Assist property owners in public meetings with devising appropriate strategies for maintenance and improvements

Monitoring and site visits

- Observe work in progress, and visit sites prior to decision-making (note that site visits may be subject to open meeting laws)

In this chapter:

A. Roles of the Players

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HPC Roles

Decision-making

- Review design proposals and approve COAs
- Recommend designations to the local historic register

National Register nominations

- Nominate properties to the SHPO for formal listing on the National Register

Administering incentives

- Approve applications for local incentives such as property tax credits

Education

- Promote general awareness programs as well as technical procedures and design

In this chapter:

A. Roles of the Players

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D. Defensible Decision-Making



Facilitation

- Help property owners find skilled craftsmen and materials suppliers
- Assist them in obtaining permits

Partnerships

- Engage in partnerships with local non-profit organizations whose purpose is to promote preservation

Promotion

- Engage in promoting preservation through special events, awards and media channels

Section 106 comments

- May be a commenting party to a Section 106 review

In this chapter:

A. Roles of the Players

B. Policy Base of Historic Preservation

C. Design Guidelines

D. Defensible Decision-Making



Roles of the Staff

As technical advisors (professional staff)

- Technical assistance related to appropriate treatment of properties, design and planning considerations.
 - ▶ Staff reports
 - ▶ Informal guidance to property owners

As administrators

- General clerical roles
 - ▶ Publishing notices of hearings and agendas
 - ▶ Record keeping

As decision-makers

- If delegated by ordinance
 - ▶ Minor alterations approved through an administrative review process

In this chapter:

A. Roles of the Players

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Role of City Councils and County Commissions

In this chapter:

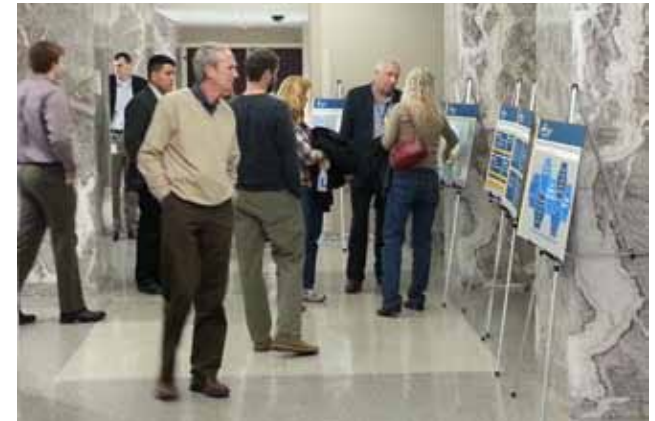
A. Roles of the Players

B. Policy Base of Historic Preservation

C. Design Guidelines

D. Defensible Decision-Making

- Variety of roles depending on community, that may include:
 - ▶ Appoints Historic Preservation Commission members
 - ▶ Provides liaison to the HPC
 - ▶ Makes ultimate decision on projects, based on the recommendation of the HPC
 - ▶ Receives appeals from project applicants
 - ▶ Lead historic site designations
 - ▶ Determines economic hardship
- Important for this body to support the HPC in its decision-making and outreach efforts



Meeting Operations

These are some basic principles for effective meeting management.

In this chapter:

A. Roles of the Players

B. Policy Base of Historic Preservation

C. Design Guidelines

D. Defensible Decision-Making

- Meeting agendas
 - ▶ Must be published in advance of the meeting
 - ▶ Identify meeting date, location, topics and potential actions
- Posting notices
 - ▶ Must be published in advance of a formal commission meeting
- Robert's Rules of Order
 - ▶ Sets forth basic principles of parliamentary procedure
 - ▶ Forms basis of meeting operations
- Public participation
- Meeting minutes
 - ▶ Include summary of all discussions and decisions made



B. Policy Base of Historic Preservation

Statewide Preservation Plan

- 6-year statewide plan developed by SHPO as blueprint for preservationists

Community Preservation Plan

- Provides detail about the community's historic resources, identifies key participants and sets forth specific action items
- May set priorities for surveying outreach and incentives
- May describe how preservation partners can work with the commission to accomplish goals

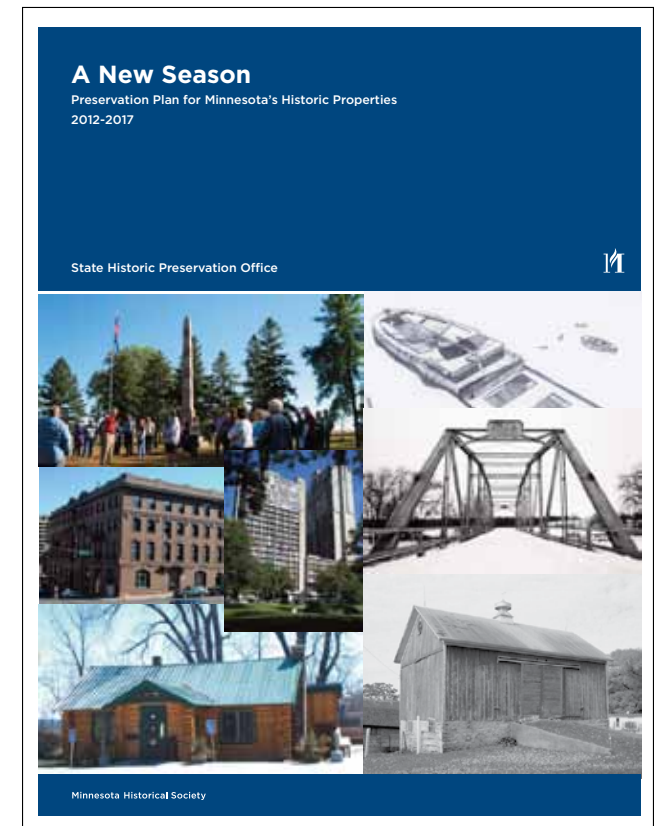
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Cover of the Minnesota 2012-2017 Preservation Plan.

Policy Base of Historic Preservation

Comprehensive Plan

- The primary policy document for a local government
- Historic preservation is addressed with other land use and sustainability policies

Preservation element of the Comp Plan

- The Comp Plan should contain policies and actions related to historic preservation

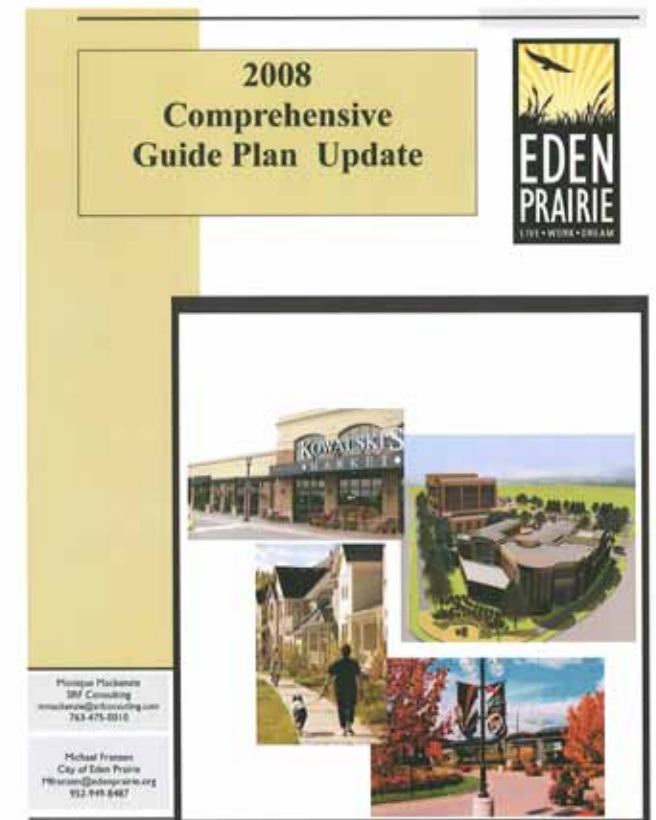
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D. Defensible Decision-Making



C. Design Guidelines

An adopted set of guidelines is essential

- Commissioners should refer to their design guidelines for all project review

What are design guidelines?

- Criteria that guide commissions and property owners on historic resource treatment decisions
- Usually a separate document from the ordinance, but may be included in the code itself

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
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Design Guidelines

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making

- Enable consistent and fair decisions
- Address rehabilitation and new construction
- May also address signage, site design, demolition, relocating structures and streetscapes and treatment of individual landmarks
- Should be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties



How are Design Guidelines Used?

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making

1. As an educational tool

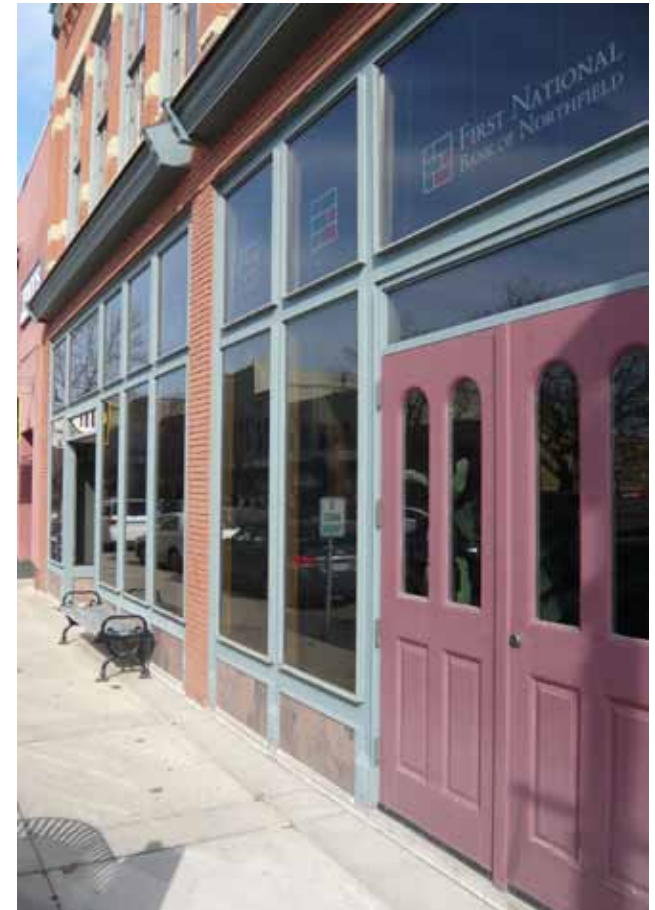
- To inform the general public and property owners of best practices in the treatment of historic resources

2. In advance planning for a project

- For use in the early stages of planning an improvement project

3. In commission decision-making

- To issue a certificate, the commission must find that the activity complies with all the relevant design guidelines





Key Design Guideline Components:

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making

LEGEND

- A Design Topic**
Describes the design topic addressed by the Design Standards that follow.
- B Intent Statement**
Explains the desired outcome for the design topic and provides a basis for the Design Standards that follow. If a standard does not address a specific design issue, the intent statement will be used to determine appropriateness.
- C Design Standard**
Describes a desired performance-oriented design outcome.
- D Additional Information**
Provides a bulleted list of suggestions on how to meet the intent of the design standard. These are not the only alterations that can be applied.
- E Images**
Clarify the intent of the design standard by illustrating appropriate and inappropriate design solutions (see below).
-  **Appropriate**
Images marked with a check illustrate appropriate design solutions.
-  **Inappropriate**
Images marked with an X illustrate inappropriate design solutions.

SAMPLE DESIGN STANDARD

A➤ ARCHITECTURAL DETAILS

- B➤** Historic feature, including original materials, architectural details and window and door openings, contribute to the character of a structure. They should be preserved when feasible.

C➤ 1.1 Preserve significant stylistic and architectural features.

- D➤**
- Storefronts, cornices, brackets, doors, and windows should be preserved.
 - Do not remove or alter architectural details that are in good condition or that can be repaired.



Protect and maintain significant stylistic features, such as these window features, cornice details and ornaments.

More About Design Guidelines

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making

Are “guidelines” enforceable?

- Ya sure, you betcha, especially when clearly linked to criteria in the ordinance
- Some communities, in order to make this clear, use the term “standards”

What if we don’t have guidelines?

- The National Park Service’s Illustrated Guidelines for Rehabilitating Historic Buildings can serve very well, and many communities adopt them as interim guidelines



Some Sample Guidelines

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making

GENERAL HISTORIC DESIGN STANDARDS

Proper treatment of historic buildings will ensure that they continue to contribute to the historic character of the Downtown Heritage Resource District. This section provides general historic design standards for important architectural details, materials and finishes as well as building components.

Character-defining Features

Key character-defining features contribute to the character of a structure. Such features vary by architectural style. The design standards below provide general guidance for the treatment of these features. The method that requires the least intervention is preferred.

3.5 Preserve significant stylistic and character-defining features.

- Storefronts, cornices, brackets, doors and windows should be preserved.
- Employ preventive maintenance measures such as rust removal, caulking and repainting.
- Do not remove or alter architectural details that are in good condition or that can be repaired.

3.6 Repair deteriorated features.

- Patch, piece-in, splice, consolidate or otherwise upgrade existing materials, using recognized preservation methods.
- Isolated areas of damage may be stabilized or fixed using consolidants. Epoxies and resins may be considered for wood repair.
- Removing a damaged feature that can be repaired is not appropriate.
- Protect significant features that are adjacent to the area being worked on.

3.7 Use methods that minimize damage when disassembly of a historic element is necessary for its repair.

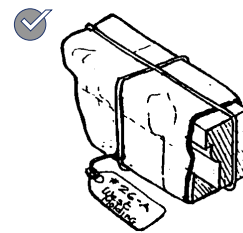
- When removing a historic feature, document its location so it may be repositioned accurately.



Do not remove or alter character-defining features that are in good condition or that can be repaired.



Preserve significant stylistic and character-defining features, such as this cornice.



When disassembly of a historic feature is required in a rehabilitation procedure, document its location so that it may be repositioned accurately.



Character-defining features contribute to the character of a structure.

Some Sample Guidelines

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making

NEW COMMERCIAL BUILDING DESIGN

Mass and Scale

Traditionally commercial buildings had varied heights, articulated masses, visually interesting skylines and pedestrian-scaled street fronts that contribute to a sense of human scale. A new building should continue to provide a variety of pedestrian-friendly scales and visually appealing masses. Buildings should not be monolithic in scale or greatly contrast with those seen traditionally in Downtown Plano.

5.10 Maintain the traditional size of buildings as perceived at the street level.

- The street facing facade height of a new building should fall within the historic context of the area. It should respect the traditional proportions of height to width.
- Floor-to-floor heights should appear similar to those of traditional buildings downtown, especially those at ground level.
- For larger buildings new construction should incorporate design features, such as setbacks, that break down the mass into modules that suggest the underlying historic height, width and lot pattern.

5.11 Establish a sense of human scale.

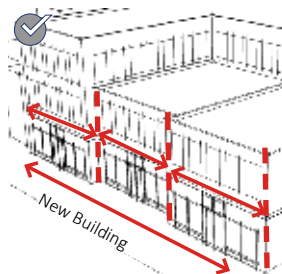
- Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.
- Incorporate changes in color, texture and materials to help define human scale.
- Use architectural details to create visual interest.
- Use materials that help to convey scale in their proportion, detail and form.



For larger buildings, new construction should incorporate design features that break down the mass into modules that suggest the underlying historic height, width and lot pattern.



A new building should be designed with a pedestrian-scaled street front.



New facade widths should reflect the traditional range of the building widths seen on the block.

Some Sample Guidelines

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines**
- D. Defensible Decision-Making



A page example from the design guidelines for Farragut, TN includes criteria for treatment of outdoor open spaces.

D. Defensible Decision-Making

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- The commission's decisions are based on the facts and established criteria and guidelines
- The decision must be accurately documented
- Commissioners should NOT make decisions based on:
 - ▶ Personal taste
 - ▶ Opinions of the applicant
 - ▶ Information that is not in the public record



Elements of a Defensible Decision

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- The decision should be based on
 - ▶ Relevant ordinances
 - ▶ Rules and procedures
 - ▶ The formal survey and designation information
 - ▶ Design review criteria and guidelines
- It should be clearly stated, avoiding “double negatives” or unclear directives



What Should a Motion Include?

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- The stated action — approve, deny, etc.
- The name and address of the property
- The “title” of the work proposed—alteration, addition, etc.
- Statement of compliance (or lack of)
 - ▶ Reference the criteria/guidelines on which the decision is based
- Reference to the significance of the property and its character-defining features
- Reference the submittal documents



What Should Minutes Include?

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- A description of the items on the agenda as they occurred
- An indication of the actions taken
- References to the documents that were considered in the actions



What Should the Administrative Record Contain?

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- Application form
- Supporting documentation describing the property and proposed action
- Hearing notice
- Minutes of the hearing
- Formal written letter of the decision and a copy of the Certificate of Appropriateness
- Any other documents submitted that were a part of the hearing



What Are the Basic Legal Considerations to Address?

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- Compliance with open meetings regulations
- Following Procedural and Substantive Due Process
- Disclosing any ex-parte communication
- Addressing any conflicts of interest
- Maintenance of a complete record



How Are Appeals Handled?

In this chapter:

- A. Roles of the Players
- B. Policy Base of Historic Preservation
- C. Design Guidelines
- D. Defensible Decision-Making**

- In most communities, an appeal goes first to the elected governing body, such as a City Council
- Further appeals then go to the courts
- The appeals process may vary by local ordinance
- Applicants always have the right to appeal
- In some communities other citizens may also have “standing” to appeal



CHAPTER 6:

Project Review

In this chapter:

- A. What is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines
- E. Potential Actions



CHAPTER 6:

Project Review

A Starting Question:

- A property owner has submitted a proposal to make improvements to their house, which is a contributor in the local historic district
- What will you consider in the evaluation?
- What should you NOT consider in making your decision?

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines
- E. Potential Actions



NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

A. What is the HPC's Scope of Authority?

In this chapter:

A. What Is the HPC's Scope of Authority?

- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines
- E. Potential Actions

- Usually defined in the preservation ordinance
- Usually a Commission considers only EXTERIOR alterations but in some cases, the ordinance may permit the local government to designate interiors as well, which will also be subject to review
- The commission is limited to considering the work described in the application for the approval or Certificate of Appropriateness (COA)



B. When is Design Approval Required?

Most commissions require approval for these actions:

- Construction
- Alteration
- Reconstruction
- Moving
- Demolition
- Any other exterior change

In this chapter:

A. What Is the HPC's Scope of Authority?

B. When is Design Approval Required?

C. What are the Steps in the Review?

D. Citing Design Guidelines

E. Potential Actions



This residence is undergoing a foundation and porch alteration. A project of this degree requires thorough review.

C. What are the Steps in the Review?

Before the meeting:

1. Confirm that submittal documents are complete
2. Visit the site
3. Review background information
4. Review the submittal documents

NOTE:

Be certain to be familiar with each application. If it appears that a commissioner is unfamiliar with a proposal during a hearing, it can undermine the credibility of the decision.

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?**
- D. Citing Design Guidelines
- E. Potential Actions

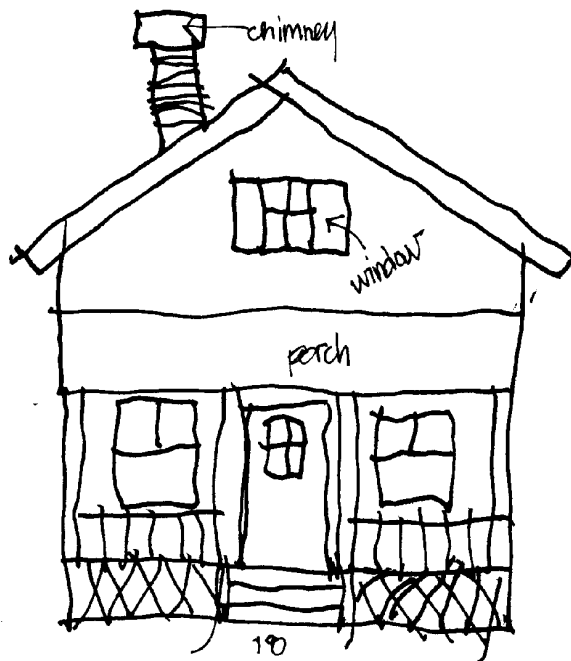


Commissioners should visit the site of any proposal that they will review. This will require a Public Notice of commissioners touring the site together.

Adequate Documentation

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?**
- D. Citing Design Guidelines
- E. Potential Actions



Unacceptable

- Not to Scale



Acceptable

- To Scale
- Can be measured



Acceptable

- Technical Drawing
- To Scale
- Can be measured

What are the Steps in Review?

At the meeting:

1. Introduce the Commission and the review process
2. Explain the purpose of the review
3. Call each case according to the published agenda
4. Introduce the applicant and their project
5. Listen to the staff report
6. Listen to the applicant's presentation
7. Ask for clarification
8. Take public comments

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?**
- D. Citing Design Guidelines
- E. Potential Actions



What are the Steps in Review?

At the meeting:

9. Take statements from other public agencies or organizations
10. Critique the proposal
11. Allow the applicant to respond
12. Entertain a motion
13. Vote on the proposal
14. Summarize the results
15. Record the decision

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?**
- D. Citing Design Guidelines
- E. Potential Actions



Special Review Questions

1. What is the context?
2. What is the impact of the proposal?
3. Which are the critical design issues?
4. Can the design issues be grouped?
5. Are non-design issues embedded?

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?**
- D. Citing Design Guidelines
- E. Potential Actions



Evaluation Techniques:

Use these techniques in your evaluation:

- **Use simple, clear language**
- **Use the guidelines**
- **Keep the discussion moving**
- **Keep the discussion on track**

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?**
- D. Citing Design Guidelines
- E. Potential Actions

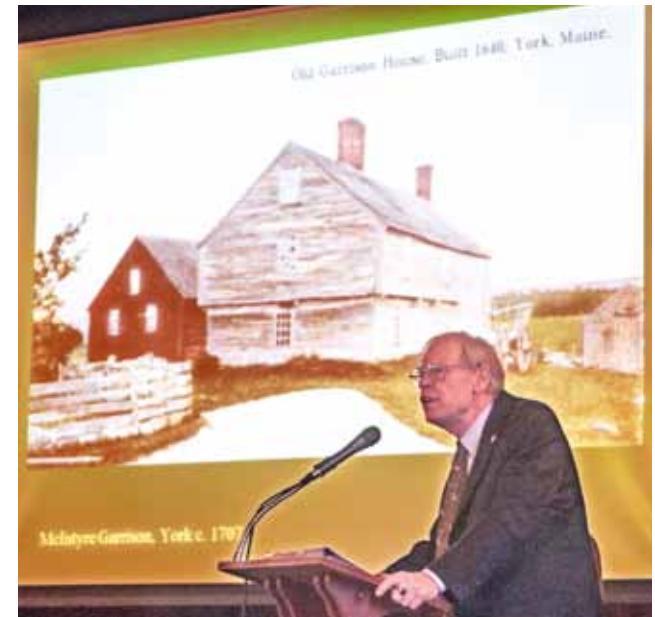


D. Citing the Guidelines

- Be certain to cite the guidelines
- This makes it clear that the commission has made its decision objectively, using the tools that are officially adopted, not through personal taste or arbitrarily

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines**
- E. Potential Actions



Encourage the applicant to relate their project to appropriate sections in the design guidelines.

E. Potential Actions

These are the options:

1. Approve as submitted
2. Approve with conditions for alterations to the submittal
3. Deny as submitted
4. Continue for additional information

In this chapter:

- A. What Is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines
- E. Potential Actions**



CHAPTER 7:

Special Legal Issues

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement



CHAPTER 7:

Special Legal Issues

A Starting Question:

- The owner of a historic house has applied to demolish the building, because otherwise keeping it would be an “economic hardship”
- The building is badly deteriorated as well
- How should you respond?

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement



NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

A. Economic Hardship

- A specific condition that can only be determined using adopted criteria and carefully following procedures outlined in the ordinance
- It is not something that commissioners should use their personal feelings about
- Sound legal precedent indicates that a preservation commission can engage in regulations that may raise this question

In this chapter:

- A. Economic Hardship**
- B. Demolition by Neglect
- C. Enforcement

NOTE:

The Supreme Court ruled in its decision regarding a takings claim by Penn Central in New York City that a taking had not been demonstrated, and that a local preservation commission had the right to regulate a property.

This case is the basis for hardship tests. For more information, see:

Case Briefs: Penn Central Transportation Co. v. City of New York

<http://www.casebriefs.com/blog/law/property/property-law-keyed-to-cribbet/regulatory-takings/penn-central-transportation-co-v-city-of-new-york/>

How Should a Hardship Claim Be Handled?

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement

- Consider an economic hardship claim separately from an application to demolish the building
- First, decide if demolition is permitted
- If demolition is denied, a second step is to determine whether an economic hardship claim is valid



The Permit to Demolish

In this chapter:

- A. Economic Hardship**
- B. Demolition by Neglect
- C. Enforcement

A demolition permit might be issued if:

- The property is a non-contributor in a historic district
- The property, although presently listed as contributing, is found to have lost its integrity and merits reclassification as non-contributing



Finding Economic Hardship

In this chapter:

- A. Economic Hardship**
- B. Demolition by Neglect
- C. Enforcement

- Is heard separately from the demolition request
- A specific test for hardship is applied



Demolition Delay

In this chapter:

- A. Economic Hardship**
- B. Demolition by Neglect
- C. Enforcement

- Some commissions only recommend delay action to council
- Usually for a defined period of time
- Economic hardship claims are not likely in these situations



Evidentiary Checklist

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement

1. Current level of economic return
2. Any listing of property for sale or rent, price asked, offers received within the previous two years, including testimony and relevant documents
3. Feasibility of alternative uses for the property that could earn a reasonable economic return
4. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property
5. Knowledge of landmark designation or potential designation at time of acquisition
6. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs

The National Trust for Historic Preservation, in its publication *Assessing Economic Hardship Claims Under Historic Preservation Ordinance*, provides this checklist of information that is a useful tool for local commissions, shown to the left.

B. Demolition by Neglect

In this chapter:

A. Economic Hardship

B. Demolition by Neglect

C. Enforcement

- If a historic building is allowed to deteriorate, it may lose many character-defining features
- This may lead to a loss of significance
- This may also lead to a dangerous condition, in which demolition is the only remaining option
- Some ordinances address Demolition by Neglect
- Note that some commissions may not have this power



How Should This Be Handled?

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect**
- C. Enforcement

- **The preservation ordinance may allow for:**
 - ▶ Issuing a citation (usually civil, but sometimes criminal)
 - ▶ The government taking corrective action
 - ▶ Placing a lien on the property
- **The ordinance may limit citations to specific classes of property, such as:**
 - ▶ Unoccupied structures
 - ▶ Structures open to the elements
 - ▶ Major landmarks
 - ▶ Properties in designated revitalization areas



How Should This Be Handled?

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect**
- C. Enforcement

- **Approach a citation carefully**
- **Communicate first**
 - ▶ Give the owner an opportunity to take corrective action
 - ▶ Keep good records of the efforts to communicate



C. Enforcement

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement**

- **Relates to:**
 - ▶ Non-compliance with issued COAs
 - ▶ Work proceeding without a COA
- **The Commission does not enforce violations**
 - ▶ It may advise or alert officials of a violation
 - ▶ Government staff enforce the violation

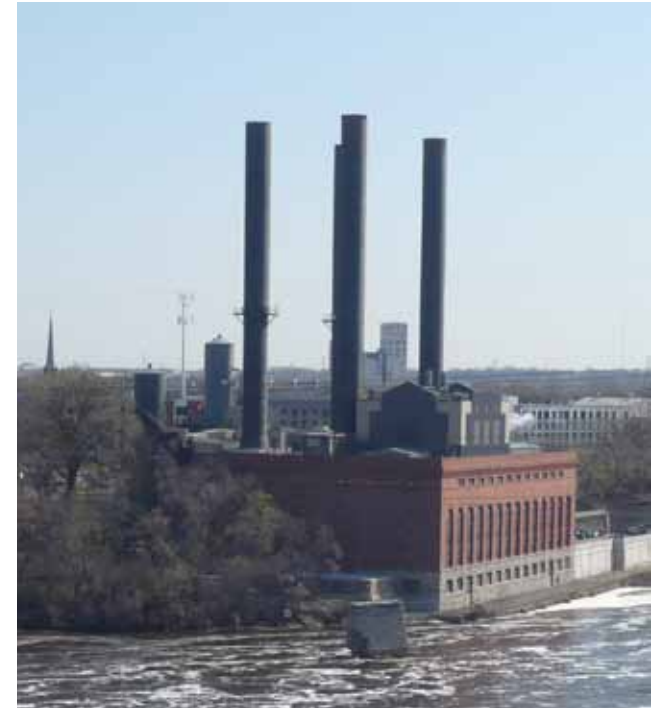


What is the HPC's role in enforcement?

In this chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement**

- The commission plays an advisory role
- City or county staff is responsible for issuing citations and penalties
- The HPC may request that enforcement action be taken but it is not their responsibility to police violations



CHAPTER 8:

Frequent Design Issues

In this chapter:

- A. Substitute Materials
- B. Sustainability and “Green” Issues
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction in Historic Districts



CHAPTER 8:

Frequent Design Issues

A Starting Question:

- The owner of a historic house in the local district has applied to remove all of the original windows and replace them with new ones in order to save energy
- They also wish to cover the wood siding with a cementitious composite board material, in order to save on repainting over time
- How will you respond?

In this chapter:

- A. Substitute Materials
- B. Sustainability and “Green” Issues
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts



NOTE:

Please refer to the companion *Minnesota Heritage Preservation Commission Training Manual* which provides more detail on these slides.

A. Substitute Materials

- **What is a substitute material?**
 - ▶ A new material that is used to appear similar to one used originally
- **Should they be allowed?**
 - ▶ They can be used successfully
 - ▶ They are approved frequently by commissions
 - ▶ The Park Service also supports their use in certain circumstances

In this chapter:

A. Substitute Materials

- B. Sustainability and “Green” Issues
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts

INFO ON SUBSTITUTE MATERIALS:

An excellent start for understanding the specifics of alternative materials is published by the National Park Service.

Preservation Brief 16, The Use of Substitute Materials on Historic Building Exteriors

See:

<http://www.nps.gov/tps/how-to-preserve/briefs/16-substitute-materials.htm>

Note that, for projects seeking state or federal tax credits or other approvals, the SHPO or the National Park Service may apply a stricter standard for replacement materials. Local commissions should be aware of this when also reviewing those projects.

Covering vs. Replacing

- Confine the discussion about alternative materials when replacement is warranted
- COVERING original material is never appropriate
- Removing original material that is in good condition is also inappropriate

In this chapter:

A. Substitute Materials

B. Sustainability and “Green” Issues

C. Windows on Historic Buildings

D. New Additions to Historic Buildings

E. New Construction in Historic Districts

Reasons for Considering Alternatives

In this chapter:

A. Substitute Materials

- B. Sustainability and “Green” Issues
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts

- The original has inherent flaws
- Supply of the original material is not practically available
- The craftsmen needed are not available
- New codes make the original difficult to use



Criteria for Approving Alternative Materials:

In this chapter:

A. Substitute Materials

- B. Sustainability and “Green” Issues
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts

- **Accuracy**
 - ▶ Similar in detail, profile, texture & finish
- **Durability**
 - ▶ With a demonstrated record in similar conditions
- **Location on the property**
 - ▶ Secondary walls, and more remote locations are preferred
- **Impact on existing materials**
 - ▶ Must be compatible
- **Extent of replacement**
 - ▶ Limited replacement is preferred

Building Orientation

Traditionally, the primary entrance of a building faced the street. In a commercial setting, the entry was often recessed. New buildings should be oriented to continue this traditional pattern.

5.4 Maintain the traditional orientation of a building to the street.

- The primary entrance should face the street.
- In some cases, the front door itself may be positioned perpendicular to the street. In this case, the entry should still be clearly defined with a recessed entry or canopy for commercial building types.
- New buildings should abut the sidewalk. The setbacks for all new construction should match the setback of other buildings on the block.



Maintain the traditional orientation of a building to the street.

Materials

Building materials used in new construction should contribute to the visual continuity of Downtown Plano.

5.5 Use building materials appropriate to the context.

- Brick is the preferred primary material.
- Building materials should have a modular dimension similar to that used traditionally.



The primary entrance of a building should face the street.

5.6 Building materials shall be similar in scale, color, texture, and finish to those used traditionally in Downtown Plano.

- All wood details should have a weather-protective finish.
- Stucco may be considered as an accent material on upper floors of larger buildings.
- Imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or imitation stone and plastic, are inappropriate.
- The use of highly reflective materials is discouraged.



Using new or alternative materials as an accent is appropriate to help express individual building modules or units.

5.7 Ensure that any new materials are similar in character to traditional materials.

- New or alternative materials should appear similar in scale, proportion, texture, and finish to those used traditionally. For example, a modular stone may be appropriate if detailed similar to historic brick material found in the district.
- Using new or alternative materials as an accent is appropriate to help express individual building modules or units.



Brick and stone are the preferred primary materials for new construction.

Chapter 5: Standards for New Construction

79

Many design guidelines, such as this example from Plano, TX, include policies related to alternative materials.

B. Sustainability and “Green” Issues

In this chapter:

- A. Substitute Materials
- B. Sustainability and “Green” Issues**
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts

- Preservation of historic resources is inherently “green”
- Preservation and sustainability are mutually compatible
- Commissions need to be prepared to address this issue



This glass enclosure in a noninvasive strategy for a weatherization improvement. It captures winter heat on a front porch, while retaining the buildings historic character and materials.

What is “Sustainability?”

The three components:

1. Cultural/social
2. Economic
3. Environmental

Historic preservation contributes to all of these, and to some extent all three may be addressed in design guidelines.

In this chapter:

- A. Substitute Materials
- B. Sustainability and “Green” Issues**
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts



Preserving historic places promotes the three basic categories of sustainability.

Key Sustainability Concepts

In this chapter:

- A. Substitute Materials
- B. Sustainability and “Green” Issues**
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts

- **Keep the big picture**
 - ▶ Don't, for example, address window replacement out of the broader sustainability context
- **Resource conservation**
 - ▶ Preserving historic buildings avoids negative impacts from new construction
- **Landfill reduction**
 - ▶ Preserving a building reduces impact on landfills



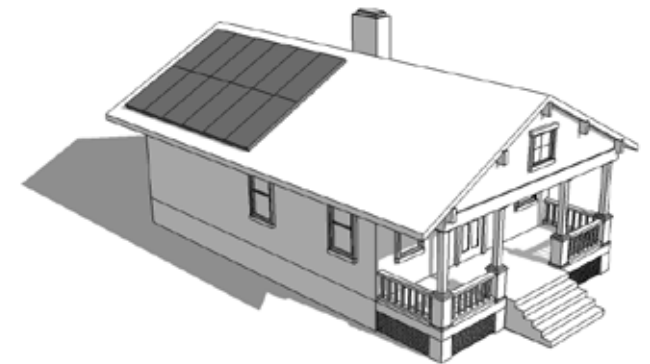
The porch on this home helps to buffer temperature swings.

Key Sustainability Concepts

In this chapter:

- A. Substitute Materials
- B. Sustainability and “Green” Issues**
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction In Historic Districts

- **Life cycle analysis**
 - ▶ Consider resources consumed to create and maintain materials.
- **Energy conservation**
 - ▶ Sealing leaks and adding insulation are often most effective
- **Energy generation**
 - ▶ Consider installing collectors and other devices only after an overall strategy is developed



Locating solar panels and energy generating devices to the rear of a historic residence minimizes visual impacts.

Steps in Developing a Sustainability Strategy

1. Conduct an energy audit
2. Set goals for sustainability
3. Identify management opportunities to save energy using existing systems
4. Develop an overall strategy for the property

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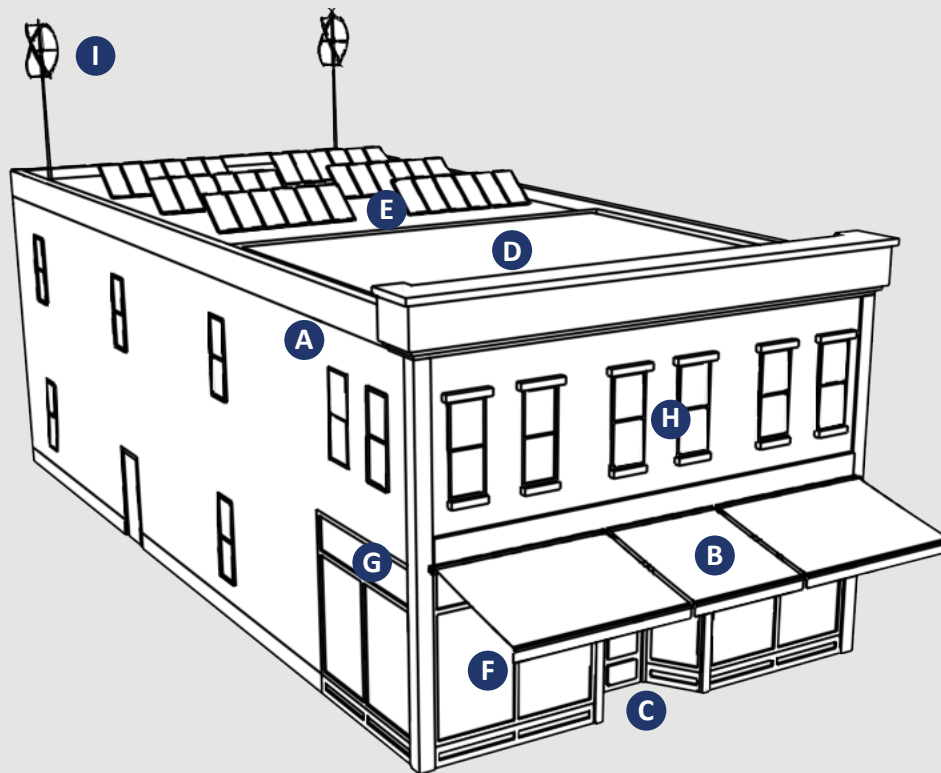
- A. Substitute Materials
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Original energy-saving building features and systems, such as these operable shutters, should be maintained in good operating condition.

HISTORIC COMMERCIAL STOREFRONT BUILDING ENERGY-EFFICIENCY DIAGRAM

This diagram below illustrates a general strategy for energy conservation on a traditional commercial building. These measures can enhance energy efficiency while retaining the integrity of the historic structure.



A Attic <ul style="list-style-type: none"> • Insulate internally 	D Roof Material <ul style="list-style-type: none"> • Retain & repair 	G Clerestory Windows <ul style="list-style-type: none"> • Retain operable clerestory window to circulate air
B Awnings <ul style="list-style-type: none"> • Use operable awnings to control solar access and heat gain 	E Solar Panels <ul style="list-style-type: none"> • Set back from primary facade to minimize visibility from street 	H Windows <ul style="list-style-type: none"> • Maintain original windows • Weather-strip and caulk • Add storm windows (preferably interior)
C Doors <ul style="list-style-type: none"> • Maintain original doors • Weather-strip • Consider interior air lock area 	F Display Windows <ul style="list-style-type: none"> • Maintain original windows • Weather-strip 	I Wind Turbines <ul style="list-style-type: none"> • Set back from primary facade to minimize visibility from street

In this chapter:

A. Substitute Materials

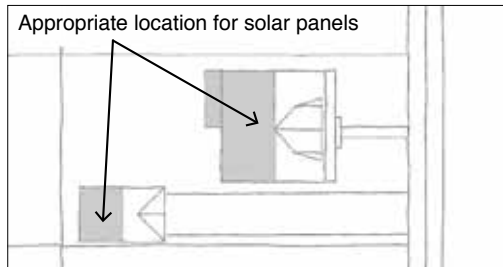
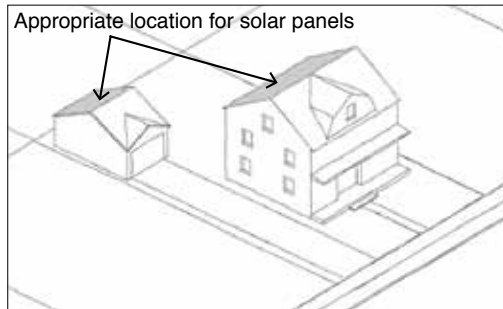
B. Sustainability and “Green” Issues

C. Windows on Historic Buildings

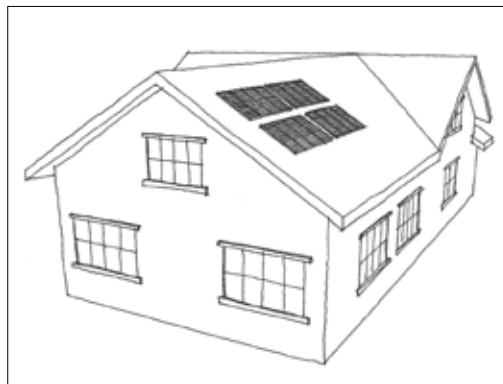
D. New Additions to Historic Buildings

E. New Construction In Historic Districts

While commissioners should not be expected to evaluate energy efficiency calculations, it is reasonable to ask a property owner to demonstrate that they have conducted an energy audit and developed an overall strategy before undertaking specific projects such as window improvements. This diagram summarizes some of the basic actions related to the exterior of a commercial building. Other, often highly beneficial, work will be internal.



Guideline 9.1: Solar panels should be located to the side or rear roof planes or on a secondary structure (all gray surfaces).



Guideline 9.1: Solar panels should be mounted flush with the roof.

9.0 SOLAR PANELS

Solar panels should be located in unobtrusive places. If it is necessary to mount solar panels on a historic building, rather than elsewhere on the site, it is essential that the panels are installed such that they do not change the character of the building. If solar panels are placed on a roof they should be designed and positioned to have a minimal effect on the character of the structure. Placement on rear facing roof planes of the primary structure should be considered first.

Design Objective

Solar panels should not adversely affect the historic character of the structure to which they are being added.

9.1 Reduce the visual impacts of solar panels as seen from the public right-of-way.

- Locate the solar panels away from public view when feasible.
- Solar panels should be mounted apart from the building or on secondary structures, such as a shed or garage, when feasible.
- Solar panels should be located on new construction, such as a new wing, where possible.
- Locate an attached solar panel in a manner such that it does not affect the primary roof facade elevations.
- Location on a primary or street facing roof plane is generally inappropriate.
- Where roof mounted, solar panels should be flush to the extent feasible.
- If not attached to the building, collectors should be located in side or rear yards. Exposed hardware, frames and piping should have a matte finish, and be consistent with the color scheme of the primary structure.
- Panels not attached to the building should be screened by landscaping to reduce their visibility. However, screening may diminish the effectiveness of the collectors to receive sunlight.
- Alternative technologies, such as photovoltaic shingles, may be appropriate in certain circumstances.

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C. Windows on Historic Buildings

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- Windows are some of the most important character-defining features of most historic structures
 - ▶ Provide sense of scale
 - ▶ Provide visual interest
- The size, shape and proportions of a historic window are among its essential features
- As with other historic features, preservation in place is the preferred approach for historic windows



When is Replacement Appropriate?

In this chapter:

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- First, determine the window’s architectural significance
- Second, inspect the window to determine its condition
- Third, determine the appropriate treatment for the window



Energy Conservation

- The most cost-effective energy conservation measures for most historic windows are to replace glazing compound, repair wood members and install weather stripping
- If additional energy savings are a concern, consider installing a storm window

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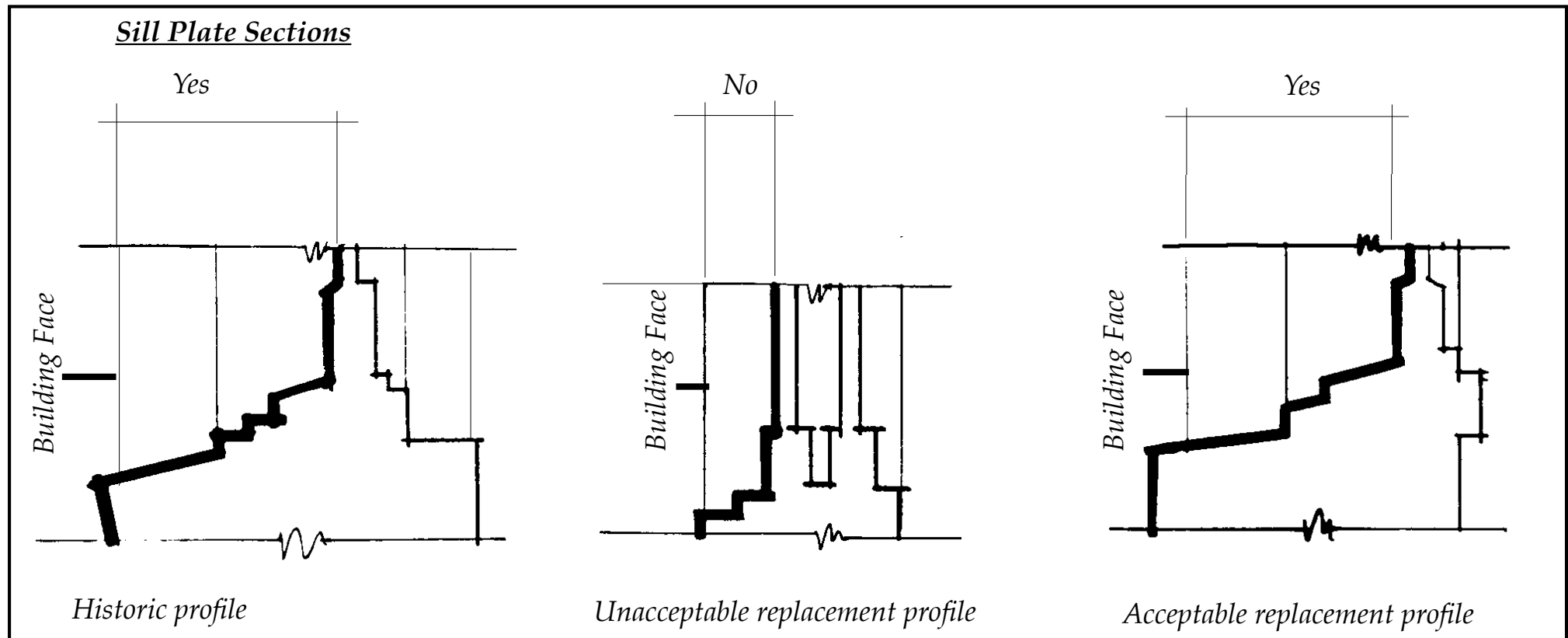


Replacement Windows

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- When a window is to be replaced, the new one should match the appearance of the original to the greatest extent possible

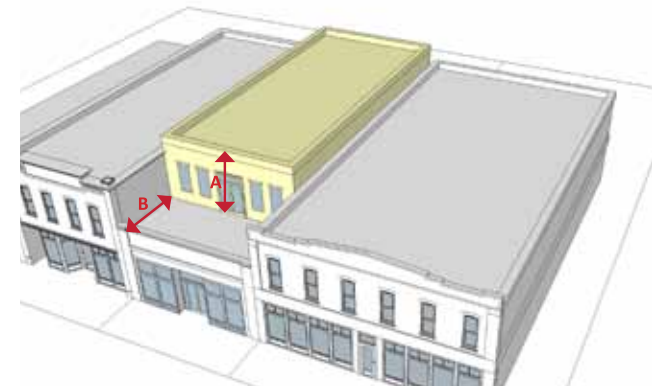


D. New Additions to Historic Buildings

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- Different types of additions may be proposed:
 - ▶ Ground Level Addition: expanding the footprint of the historic building
 - ▶ Rooftop Addition: adding an additional level to the historic building



Rooftop addition where the setback distance was required to equal the height of the new addition.



Key Principles for Additions:

- Minimize negative effects on historic building fabric
- Maintain the ability to perceive the historic character of the main building
- Maintain the ability to interpret the character of the district

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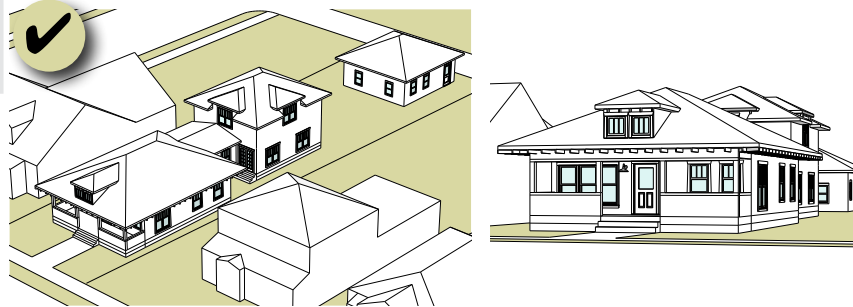
Key Principles for Additions:

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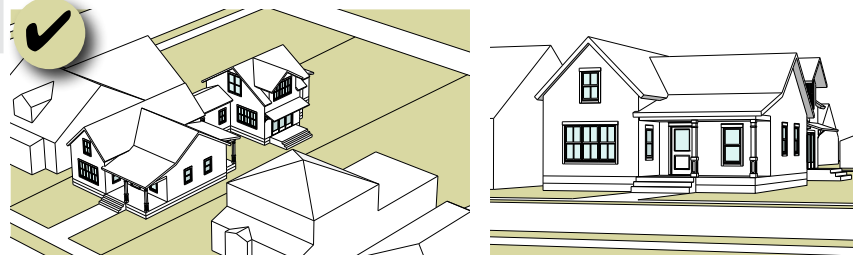
Classic Cottage and One-and-a-Half Story Addition with Accessory Building

This rear addition is taller than the original building but is still clearly differentiated with a connecting element to achieve an acceptable level of compatibility with the historic building and context.



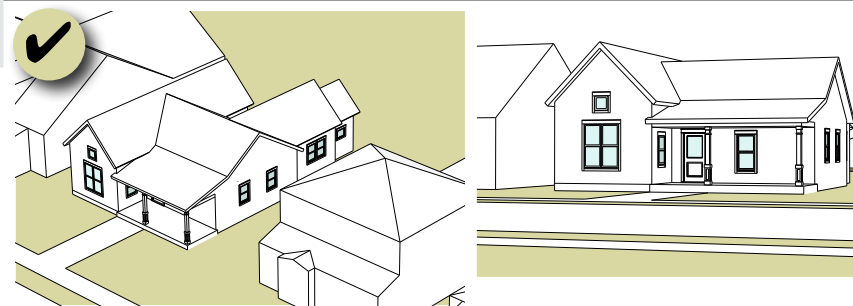
L-Shaped Building and One-and-a-Half Story Addition

This rear addition is similar in height to that of the original building, but is still clearly differentiated with a connecting element to achieve an acceptable level of compatibility with the historic building and context.



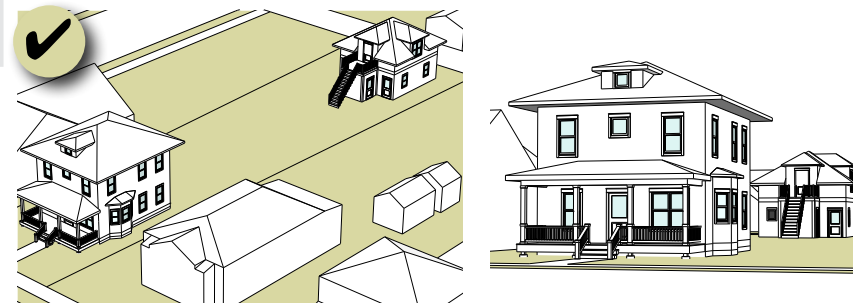
L-Shaped Building with Modest Addition

This modest rear addition steps down in height to that of the original building, and achieves an exceptional level of compatibility with the historic building and context.



Four Square and Two-Story Addition plus Carriage House

This Carriage House addition is located along the alley and achieves an exceptional level of compatibility with the historic building and context.



E. New Construction in Historic Districts

Compatible but Contemporary

- The evolving character of the area is reflected
- Historic resources, from all periods of significance, are preserved
- Historic resources and other traditional buildings provide the context for new construction, in terms of form, materials, etc.
- New buildings express their true age, but are compatible with the historic context by drawing upon basic design relationships that are essential to the area

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Historic References in New Design

While the “contemporary” approach is preferred by most communities, some also permit designs that are more imitative of historic styles.

- A liability of this approach is that it can, to some extent, change the apparent history of the area and the physical record of the evolution of the street can be blurred
- What is important is that the theoretical implications of the decision to do so is understood

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CHAPTER 9:

Where Do We Go From Here?

In this chapter:

- A. Current Trends
- B. Keep Challenges in Perspective
- C. Reaching Out
- D. Your Work is Valued!
- E. Thank You for Your Service!



A. Current Trends

- Preservation programs continue to address new issues and opportunities in response to changing trends in community development and public policy. These include:
 - ▶ Heritage Tourism
 - ▶ Healthy Community Initiatives
 - ▶ New Ideas about Diversity
 - ▶ Coordinating with Other Planning Initiatives
 - ▶ New Incentives for Preservation
 - ▶ Recognition of New Types of Resources
 - ▶ New Technologies

In this chapter:

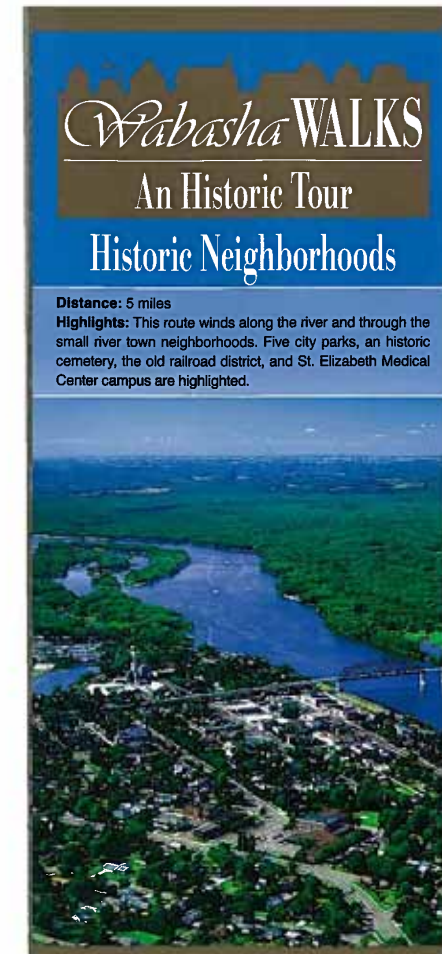
A. Current Trends

B. Keep Challenges in Perspective

C. Reaching Out

D. Your Work is Valued!

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B. Keep Challenges in Perspective

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- Each commission encounters some situations in which resources are lost, for a variety of reasons. While these will be disappointing, it's important to keep a perspective. What is most important is to handle these disappointments in a professional manner and to recognize that for each of these losses there are many, many successes.



C. Reaching Out

In this chapter:

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- Looking forward, the role of commissions as “ambassadors” for cultural heritage will continue to be a key role. These are some ways in which that is happening:
 - ▶ Education and Promotion of Preservation

An on-going need exists to further public recognition of historic resources and build an awareness of best practices in their stewardship
 - ▶ Building Partnerships

Commissions must continue to build partnerships with other community groups, property owners and interested citizens to collaborate on projects that involve historic properties and districts



There is Help Out There!

- Commissions are not alone in promoting historic preservation. There are other peer commissions across the state who can provide a network of support.
 - ▶ Preservation Action Minnesota
 - ▶ Heritage Preservation Department
 - ▶ Minnesota Historical Society
 - ▶ National Alliance of Preservation Commissions

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D. Your Work is Valued!

- It's important to know how valuable commissions and their staff are to our communities. As commissioners, you're a part of the future of preservation and of Minnesota.

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E. Thank You for Your Service!

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- Finally, thank you for your service. Commissioners give their time to their communities in the interest of promoting the public good. You are appreciated!